

Monday 10/19/2015 – Monday 10/26/2015/ From # (b) (6), (b) (7)(C)

Verizon 3G

2:47 PM

97%

Verizon 3G

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< Messages (b) (6), (b) (7)(C)

Details

Text Message  
Monday 9:39 PM

(b) (6), (b) (7)(C) never contacted me.

What happened?

Tuesday 5:47 AM

I will check today when I am there.

Tuesday 8:44 AM

Ok, thank you

Tuesday 5:08 PM

Well we can do the workman's comp and initiate it when I come in tomorrow afternoon.

I will have paperwork for Amcare then. Is (b) (6), (b) (7)(C) going to be clocked in by then? My forms are not legit until (b) (6), (b) (7)(C) and I go through this paperwork.

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< Messages (b) (6), (b) (7)(C)

Details

It's separate from the Amcare paperwork though.

(b) (6), (b) (7)(C) does not sit here. There used to hear (b) (6), (b) (7)(C) in Amcare here but this is a different person.

Or do you want the hospital note from the ER? I can't get anything done from people who are not following through on their end. As you said (b) (6), (b) (7)(C) doesn't even have a local at our site.

I will bring in a note from the ER.

Wednesday 12:56 PM

I'm on my way now

Wednesday 2:47 PM

I do have to speak with you. But only when you have time.

Yesterday 12:15 PM

Text Message

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< Messages (b) (6), (b) (7)(C)

Details

Yesterday 12:15 PM

I did leave a voicemail message. I don't wish to take from your schedule. You're too busy to juggle my situation on top of all your other assignments.

My pay check is missing time because of all of what has transpired since the sexual assault on me and I will not be able to afford to deal with this. I thought these things were being taken care of?

I don't feel very comfortable or protected. It feels as if this is the plan all along, to force me to quit or transfer my location. You know I am unable to and that this is no fault of mine.

I thought I would be able to talk to you but I know you're busy so I have taken this situation to where it should have been sent

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&lt; Messages (b) (6), (b) (7)(C)

Details

where it should have been sent immediately any how. Thanks for showing up to look into things.

Fri, Oct 23, 2:31 PM

(b) (6), (b) (7)(C) I still haven't heard from this (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) has barred me from returning to work until I bring in the return to work form and contact (b) (6), (b) (7)(C) Which is unfair. (b) (6), (b) (7)(C) had plenty of time to reach out to me to get me set up in the system and had this week to even travel to the PHL7 site to meet me in person. I cannot depend on (b) (6), (b) (7)(C) getting things done on my behave right now. (b) (6), (b) (7)(C) probably too busy to be engaged with this situation. I want someone else on my case. I also want to know why I have to stay out of work until the workman's comp person places me in the system on top of

Text Message

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&lt; Messages (b) (6), (b) (7)(C)

Details

by a doctor? Have you been given orders to terminate my employment by making it difficult for me to return back to work? Have you been given instructions to make me uncomfortable enough with this situation that it would force me to resign at PHL7? Why have you not been available to speak to me?

I have two doctors appointments concerning the sexual assault incident on Monday of next week. I will have the paperwork completed by then.

I also wanted to know why you have not provided me with a document concerning how my employer would like to resolve and or find a solution to the sexual assault incident and the incident that have followed in connection to it.

Text Message

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&lt; Messages (b) (6), (b) (7)(C)

Details

I thought you were coming in this week to meet with me in mediation with a written proposal? Is someone else being assigned this mediation now? (b) (6), (b) (7)(C) had a new person with (b) (6), (b) (7)(C) this week. Is that the person I am to contact from now on?

(b) (6), (b) (7)(C) My apologies for not returning your text from yesterday. (b) (6), (b) (7)(C) has attempted to contact you by phone as well as (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) They were unable to reach you at the number that is in your file. I provided them with is number as it appears that you have changed number. They have attempted to contact you here however your voicemail is not set up and they were unable to leave you a message.

The (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C) that is trying to

Text Message

Send



Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

The (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C) that is trying to contact you.

I would like to meet (b) (6), (b) (7)(C) next week if possible. Being out of the building has caused me to question what is going on with this situation.

Oh, when did they do this?

Being out of the building is to protect your health first and foremost. We need to get resolution to this first and then we can continue to address any other concerns you may have.

That's a good call out, I have not set my voicemail up on this new phone yet. Let me do so right now then.

What does a (b) (6), (b) (7)(C) do?

Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

What does a (b) (6), (b) (7)(C) do?

(b) (6), (b) (7)(C) is trying to reach you to explain the process. I am not an expert in this field so we want to ensure that you are taken care of appropriately.

I'm still experiencing chest pains. When I think of the lie (b) (6), (b) (7)(C) has told, and how my coworkers have been treating me. Everyone says I need to learn how to not keep in the pain of what's hurting me but when I'm working I try to keep my professional head on as much as humanly possible.

Is (b) (6), (b) (7)(C) meeting with me or just calling?

Is (b) (6), (b) (7)(C) meeting with me or just calling?

Is (b) (6), (b) (7)(C) doing a meeting or a call?

Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

What are their contact information and business hours?

They are both probably calling. Most of our support is spread across the country so meeting with everyone individually is not always possible.

I only got paid a little over 50 hours of work. I was told this would not affect my pay in missed hours, or decrease in wages yet it has.

The time that you took away from the floor was covered for that week as we committed. For anything due to your personal health, you would need to use UPT or vacation time. The other option is that you contact the Leave of Absence team and apply sort short term disability. I can send you that number in a few minutes when I get back to

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Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

few minutes when I get back to my computer.

I'm so glad when this is over. For one thing I have been an exceptional employee. I do as expected and go above and beyond everyday. I have helped not only the people in Integrity but also blue badges as well. I encourage, support, teach, assist, and take up for everyone who is viewed as an underdog or insignificant to those in higher positions. I have stopped several people from seeking out PAs, AMs, Ops Mgrs, Sr. Ops, and the GMs from being disrespected or threatened in our building! I'm always the go to person, I'm the one no one has to worry about doing the right thing. Dispite the negative experiences with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) or the (b) (6), (b) (7)(C) associate who sexually assaulted me I was always sought to welcome new starts

Verizon 3G 3:01 PM 92%  
< Messages (b) (6), (b) (7)(C) Details

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Verizon 3G 3:01 PM 92%  
< Messages (b) (6), (b) (7)(C) Details

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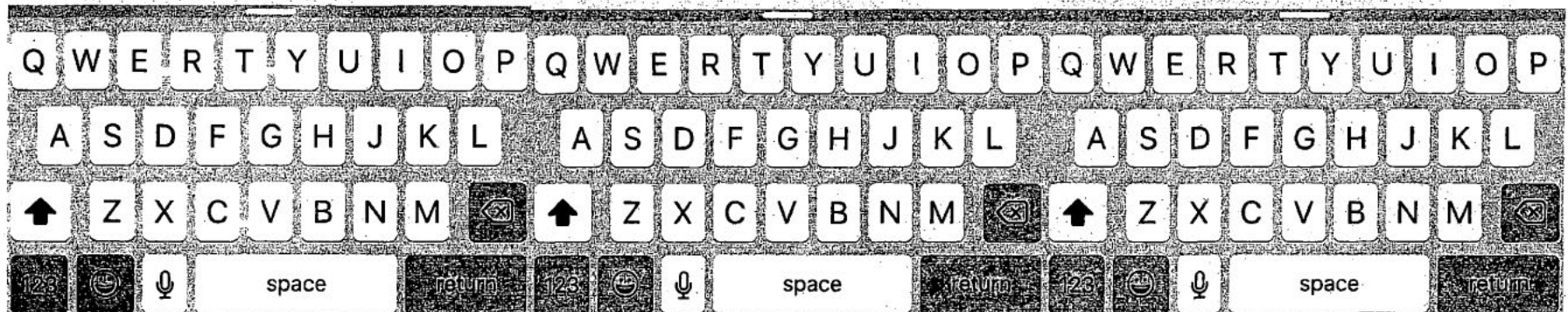
I will never in my life have to come into work and look over my shoulders when corporate comes to visit us because not only do I know the policy I exercise it every time I clock in! However I'm not perfect and when a new start or senior employee calls me on my shit I actually get an amusement out of someone calling me out on it. It becomes my opportunity to grow. I immediately accept what mistakes I have made and have even offered my accuser to put me down to earn Safety Saves

me down to earn Safety Saves rewards, give me verbal warnings, or even write ups! I never shy away from my own discipline. I enjoy learning new tasks, doing special projects, and helping people in any way I can.

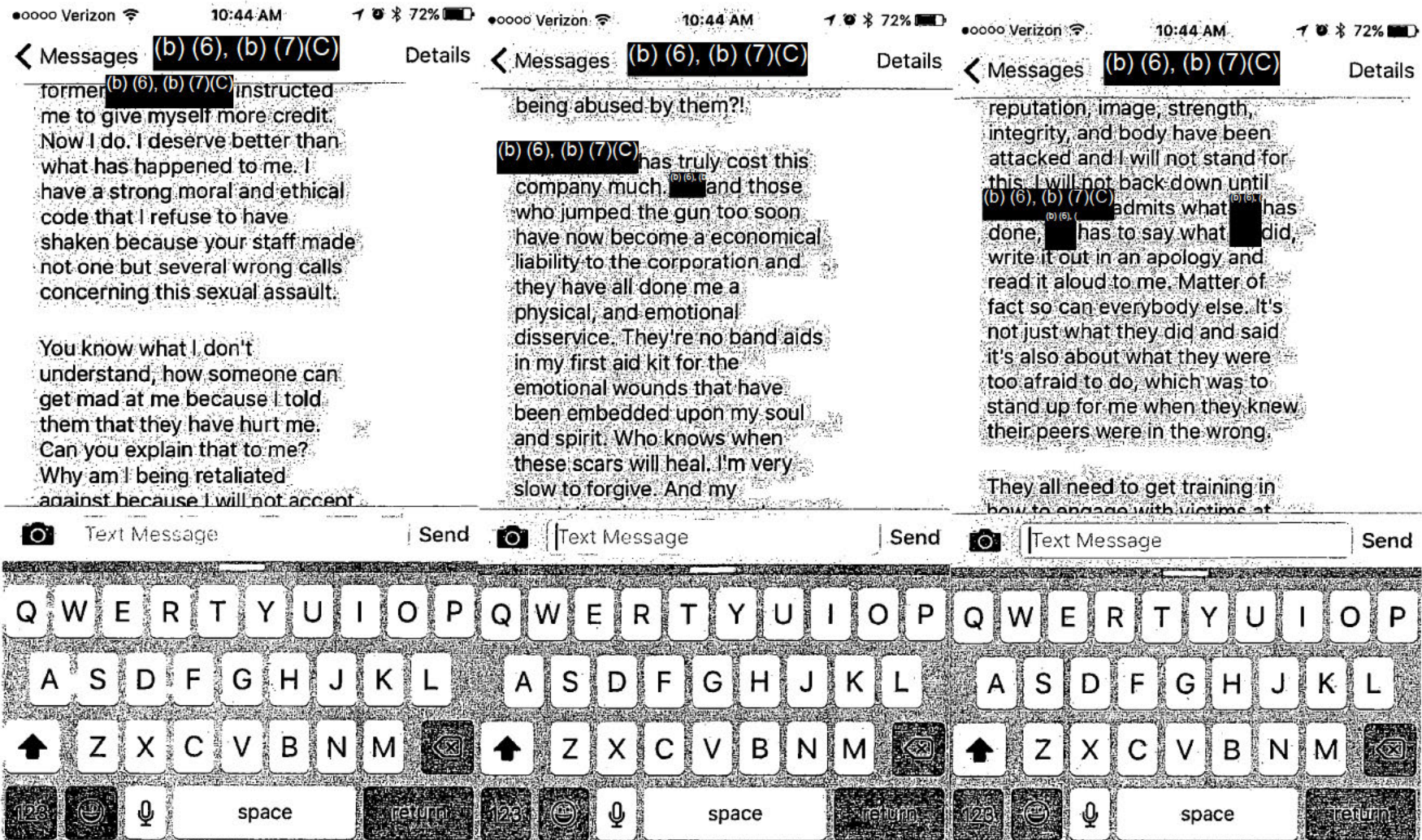
There just isn't enough time in the day for me. My department hasn't given me a promotion because their superior doesn't want to make time for me to train new eager ambitious workers how I do what I do for the team. Because of this fact I

have been stuck in a position that is no longer a challenge for me. The fact that my superiors have heard me admit to any wrong doings in my past, contests to my trustworthiness.

I'm not being difficult I'm being punished because my superiors made the mistake of putting all their bets on a liar! I am an upstanding employee at PHL7, one who clearly is full of heart and courage, I have a strong backbone, I'm openly self-critical so much so that my









&lt; Messages (b) (6), (b) (7)(C)

Details

They all need to get training in how to engage with victims at work, and I definitely want to be in the room to witness that. All rolled up with role play included it would be beneficial for everyone to participate. I'm not trying to put anyone on the chopping block to be terminated but I really really want to see (b) (6), (b) (7)(C) fired! But I will settle for them to be transferred out of the building instead.

I'm sure they have bills and children to take care of.

I want to make certain that I am compensated for every day your staff took from me. So I do wish to see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) call me as soon as possible. I also wanted to get more PTO, Vacation, and UPT added on to my name. And if those associates who qualify for the

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&lt; Messages (b) (6), (b) (7)(C)

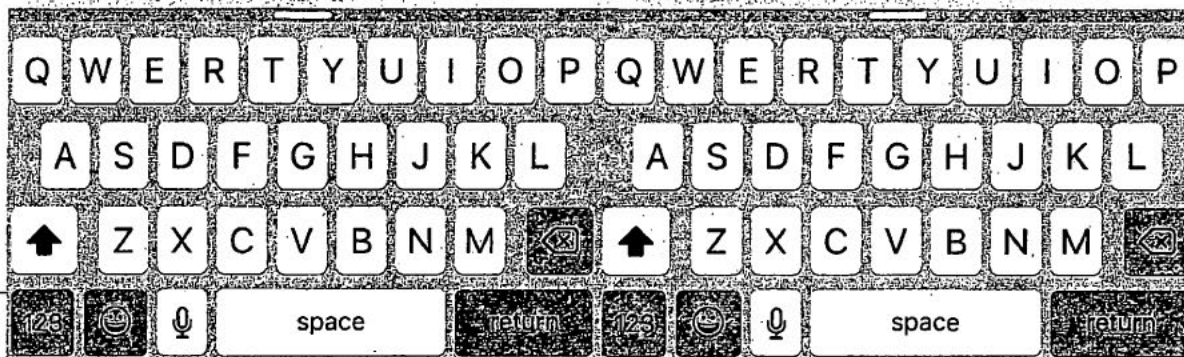
Details

compensated for every day your staff took from me. So I do wish to see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) call me as soon as possible. I also wanted to get more PTO, Vacation, and UPT added on to my name. And if those associates who qualify for the Career Choice program but don't use their opportunity for paid tuition I wanted to know how I can get awarded what they're not using. I want to go back to (b) (6), (b) (7)(C) and get my Associates Degree in architecture and then I want to get my Masters degree in



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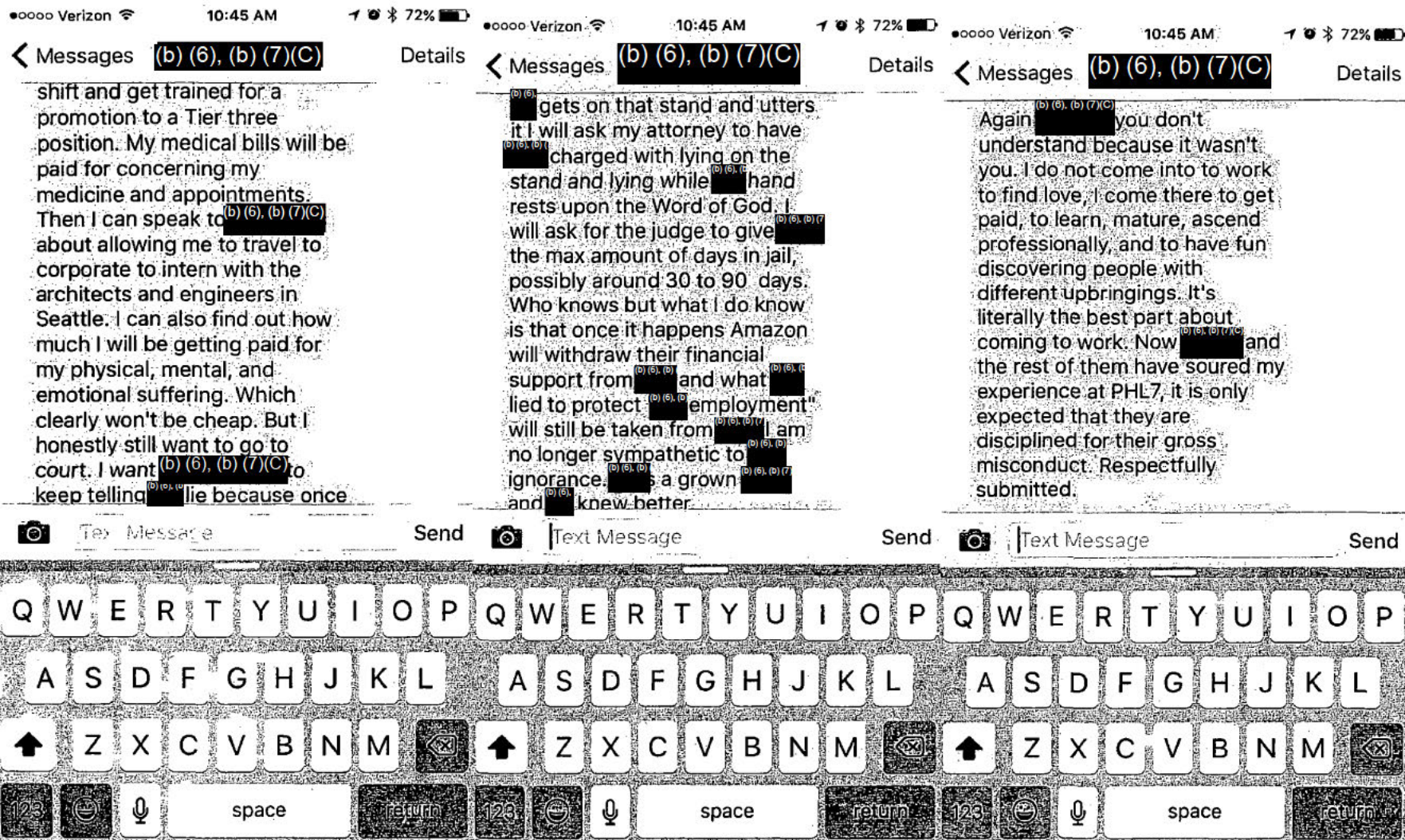
Text Message

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get my Masters degree in Architecture. That's not cheap but it would be affordable if I could take what's sitting in reserve from people who will never use it. I can go back to school on a full ride, depending on how many qualify each semester who don't use it. I can have money from that program ready if I needed school supplies for class and projects. I could sign up to study abroad and then come back to work when it's all said and done.

I could keep my back half days







Messages (b) (6), (b) (7)(C) Details Messages (b) (6), (b) (7)(C) Details Messages (b) (6), (b) (7)(C) Details

Have a blessed weekend. I know it shouldn't be a surprise to you that I am having another panic attack and crying as I'm typing all this to you. I have asked my church to pray over me at this time. I know things will get better whether that means me having what I expect to have happen or someone shoots me in the face upon returning from work knowing that they're moving to another building I don't mind either way. I have accepted Christ Jesus as my Lord and my Saviour. I have been submerged in the name of

been submerged in the name of Father, the Son and the Holy Ghost through my water Baptism. I'm going to be alright in the face of all this evil that has nested upon my crown.

And I plead the blood of Christ Jesus over this situation. I know that God causes me to be triumphant, that means He makes me win. Through life or death I have already claimed the Victory! I will not allow any man woman or child disrespect me out of jealousy, spite, or prejudice. If any one dares to do

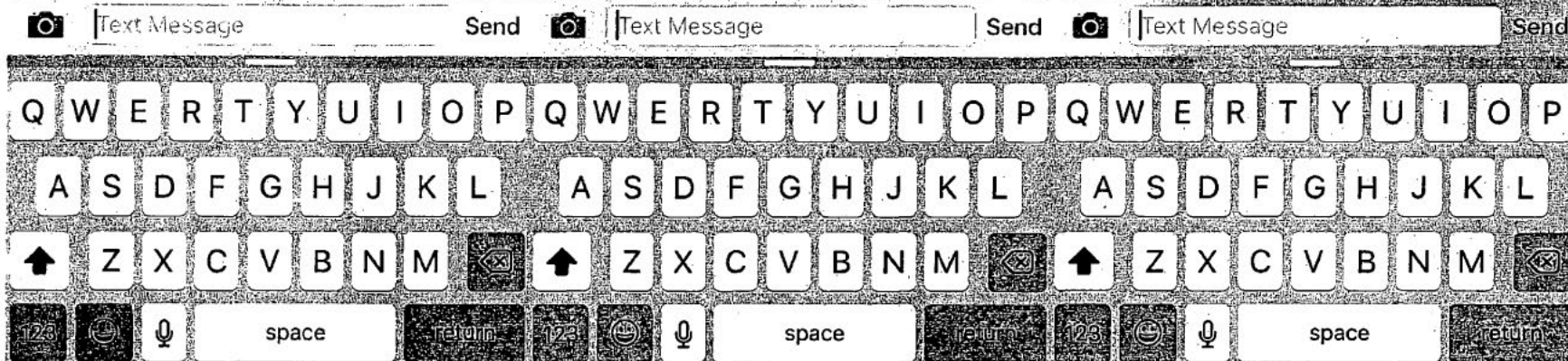
so then let the offence carry at least a small fraction of merit behind it so that I know what the heck I am at fault for receiving such unforgivable attacks upon my person and character.

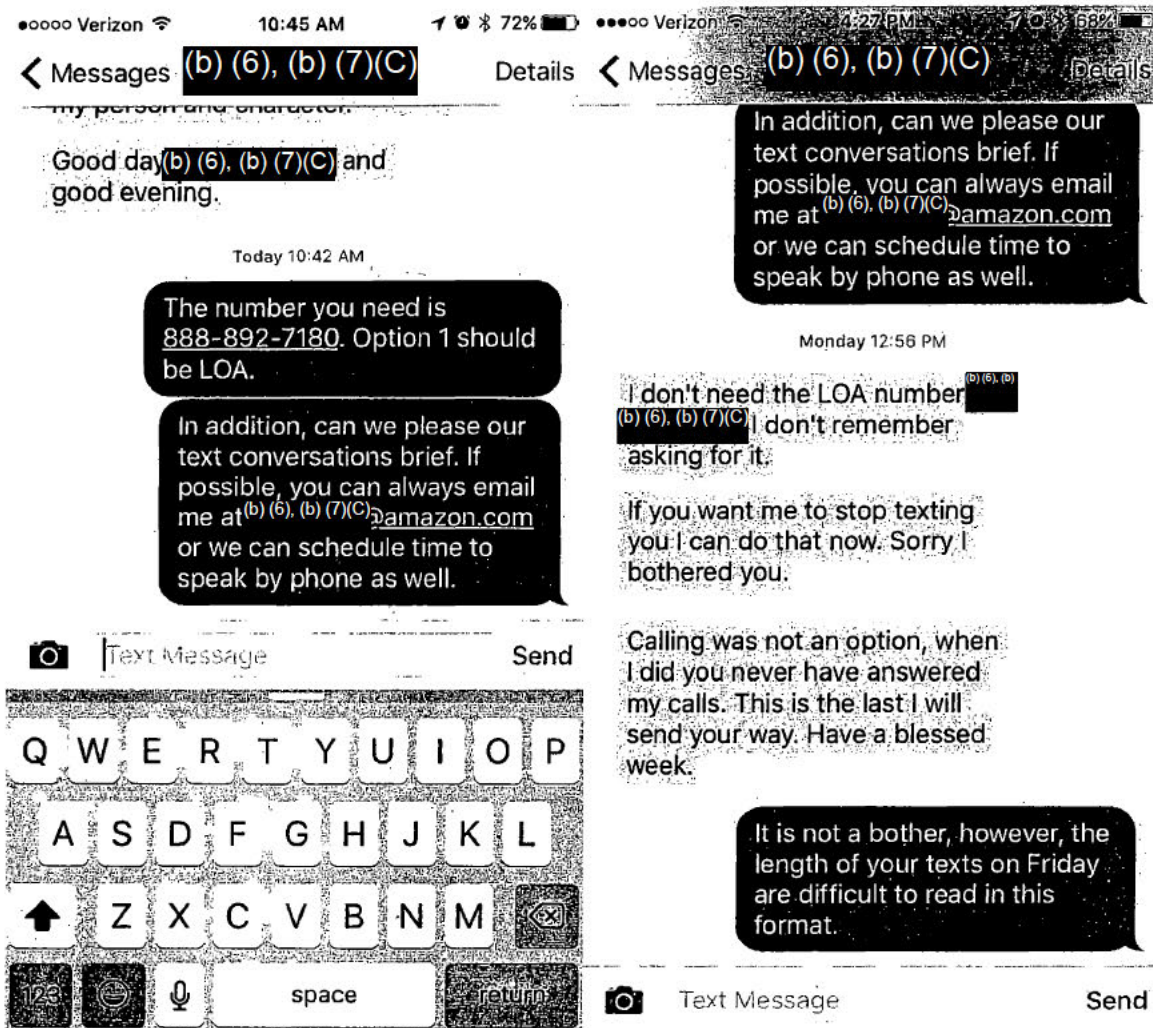
Good day (b) (6), (b) (7)(C) and good evening.

Today 10:42 AM

The number you need is 888-892-7180. Option 1 should be LOA.

In addition, can we please our









UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 4  
615 Chestnut St Ste 710  
Philadelphia, PA 19106-4413

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (215)597-7601  
Fax: (215)597-7658

Agent's Direct Dial: (215)597-7657

July 27, 2016

Michael E. Lignowski, Esquire  
Morgan, Lewis & Bockius, LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Joseph C. Ragaglia, Esquire  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Re: Amazon.com, Amazon Fulfillment Center  
(PHL 7)  
Case 04-CA-180114

Dear Mr. Lignowski, Mr. Ragaglia:

I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

**Allegation:** The allegation for which I am seeking your evidence is as follows.

- On or about (b) (6), (b) (7)(C) 2016, the Employer violated Section 8(a)(3) of the Act by constructively discharging (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union activities.

**Board Affidavits:** I am requesting to take affidavits from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by August 3, 2016, to schedule these affidavits.

**Documents, Questions, and Contentions:** Please provide the following documents, answer the following questions, and address the following questions:

- Charging Party (b) (6), (b) (7)(C) contends that the Employer constructively discharged (b) (6), (b) (7)(C) from (b) (6), (b) (7)(C) employment by creating unusually onerous requirements for

July 27, 2016

- (b) (6), (b) (7)(C) return to work. (b) (6), (b) (7)(C) further contends that the Employer imposed these requirements in order to retaliate against (b) (6), (b) (7)(C) for (b) (6), (b) (7)(C) Union activity.
2. Provide a copy of any policies maintained by the Employer regarding the requirements employees must meet prior to returning to work from a medical leave of absence.
  3. (b) (6), (b) (7)(C) contends that beginning on about October 15, 2016, the Employer prevented (b) (6), (b) (7)(C) from going to work because (b) (6), (b) (7)(C) was not allowed to bring certain prescribed medication to work. (b) (6), (b) (7)(C) further contends that the Employer refused to accept documentation (b) (6), (b) (7)(C) offered regarding the medication because it was not on an Amazon-prepared form.
  4. Provide a copy of any policies maintained by the Employer regarding the possession of medication on the Employer's property.
  5. Has the Employer discharged any employees under circumstances similar to (b) (6), (b) (7)(C) discharge? If so, provide documentary evidence regarding the employee(s) discharge.
  6. Please send me a completed copy of the Commerce Questionnaire.

**Position on 10(j) Relief:** You are also requested to provide your position as to the appropriateness of Section 10(j) injunctive relief in this matter. As you may know, Section 10(j) of the Act permits the NLRB to ask a federal district court "for appropriate temporary relief or restraining order" pending the Board's resolution of an unfair labor practice charge. The district court is authorized to grant "such temporary relief or restraining order as it deems just and proper." If the Region determines the Charged Party has violated the Act as alleged, the Region will consider whether to seek injunctive relief in this matter. Accordingly, please provide your position, legal theory, case law, and supporting evidence regarding whether injunctive relief would be appropriate for the alleged violations in this case and whether such injunctive relief would be just and proper. I wish to emphasize that the Region has not yet made a decision as to whether the Charged Party has violated the Act as alleged. Rather, we want to provide you with adequate notice that injunctive relief will be considered if such a decision is made.

**Date for Submitting Evidence:** To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **Friday, August 5, 2016**. If you are willing to allow me to take affidavits, please contact me by Wednesday, August 3, 2016, to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.



July 27, 2016

Please contact me at your earliest convenience by telephone, (215)597-7657, or e-mail, david.rodriguez@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Rodriguez", written in a cursive style.

DAVID RODRIGUEZ  
Field Attorney

**From:** [Rodriguez, David](#)  
**To:** ["Lignowski, Michael E."](#)  
**Subject:** RE: Amazon/(b) (6), (b) (7)(C)  
**Date:** Tuesday, August 9, 2016 4:02:00 PM

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I am about to walk out the door, but I discussed your request for an EOT with my supervisor. Although it is highly unusual to grant such a request in these circumstances, your deadline is extended to August 12. No further extensions will be granted.

**DAVID G. RODRIGUEZ**

Field Attorney  
National Labor Relations Board, Region Four  
615 Chestnut Street, 7th Floor  
Philadelphia, PA 19106

Ph: 215-597-7657  
Fx: 215-597-7658  
[David.Rodriguez@nrlrb.gov](mailto:David.Rodriguez@nrlrb.gov)

---

**From:** Lignowski, Michael E. [mailto:[michael.lignowski@morganlewis.com](mailto:michael.lignowski@morganlewis.com)]  
**Sent:** Tuesday, August 09, 2016 3:56 PM  
**To:** Rodriguez, David <[David.Rodriguez@nrlrb.gov](mailto:David.Rodriguez@nrlrb.gov)>  
**Subject:** FW: Amazon/(b) (6), (b) (7)(C)

Following on my email below, are you available to discuss this afternoon?

**Michael E. Lignowski**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.5455 | Cell: +1.215.439.5429 | Main: +1.215.963.5000 | Fax: +1.215.963.5001  
[michael.lignowski@morganlewis.com](mailto:michael.lignowski@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)  
Assistant: [\(b\) \(6\), \(b\) \(7\)\(C\)](#) [@morganlewis.com](mailto: @morganlewis.com)

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**From:** Lignowski, Michael E.  
**Sent:** Monday, August 08, 2016 5:05 PM  
**To:** 'Rodriguez, David'  
**Subject:** Amazon/(b) (6), (b) (7)(C)

David:

I am trying to move this along, but due to individuals on vacation and other factors, it has been difficult to speak to representatives of the client and to gather the documentation I need. Recognizing your deadlines, I do need to request two additional days, until Friday to complete the



position statement and send you information in response to your requests.

Please let me know if you would like to discuss, thanks.

Mike

**Michael E. Lignowski**

**Morgan, Lewis & Bockius LLP**

1701 Market Street | Philadelphia, PA 19103-2921

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[michael.lignowski@morganlewis.com](mailto:michael.lignowski@morganlewis.com) | [www.morganlewis.com](http://www.morganlewis.com)

Assistant: (b) (6), (b) (7)(C) @morganlewis.com

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**From:** [Lignowski, Michael E.](#)  
**To:** [Rodriguez, David](#)  
**Subject:** Amazon.com (04-CA-180114)  
**Date:** Friday, August 12, 2016 5:17:56 PM  
**Attachments:** [04-CA-180114 - Amazon.com - Amazon Fulfillment Center PHL7 - Position Statement - 8-12-16.pdf](#)  
[04-CA-180114 - Amazon.com - Amazon Fulfillment Center PHL7 - Position Statement EXHIBITS - 8-12-16.pdf](#)

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David:

Please find attached a copy of the position statement and exhibits in this matter, which were e-filed today. Please also let me know if you have any questions after you have an opportunity to review these materials.

Mike

**Michael E. Lignowski**

**Morgan, Lewis & Bockius LLP**

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Assistant: (b) (6), (b) (7)(C) @morganlewis.com

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# Morgan Lewis

## Michael E. Lignowski

Senior Attorney  
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michael.lignowski@morganlewis.com

August 12, 2016

David Rodriguez  
Field Attorney  
National Labor Relations Board Region 4  
One Independence Mall  
Seventh Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404

Re: Amazon.com, Amazon Fulfillment Center (PHL7  
Case 04-CA-180114

Dear Mr. Rodriguez:

Amazon.com.dedc, LLC ("Amazon" or the "Company") provides this position statement in response to the above-referenced charge filed by (b) (6), (b) (7)(C)<sup>1</sup>. The Company understands that (b) (6), (b) (7)(C) claims Amazon violated Section 8(a)(1) and (3) of the National Labor Relations Act ("NLRA" or "Act"), as alleged in the charge and described in the Region's July 27, 2016 request for evidence letter, as follows:

- On or about (b) (6), (b) (7)(C) 2016, the Employer violated Section 8(a)(3) of the Act by constructively discharging (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) Union activities.

The Company also understands that (b) (6), (b) (7)(C) contends the Company imposed "unusually onerous requirements for (b) (6), (b) (7)(C) return to work" because of (b) (6), (b) (7)(C) alleged union activities. As discussed in more detail below, (b) (6), (b) (7)(C) charge is factually and legally deficient. (b) (6), (b) (7)(C) was terminated for job abandonment – specifically, (b) (6), (b) (7)(C) refused to return to work, while also refusing to provide any information demonstrating (b) (6), (b) (7)(C) need for a medical leave of absence.

It is true that (b) (6), (b) (7)(C) appears to have made a single pro-union statement during (b) (6), (b) (7)(C) employment at Amazon and that local HR was aware of the statement. But the single statement was made five months before (b) (6), (b) (7)(C) separation from employment, and, critically, (b) (6), (b) (7)(C) has not alleged (nor could (b) (6), (b) (7)(C)) that the local HR employees (or anybody else at Amazon) bore animus against (b) (6), (b) (7)(C) for having made that single statement. (b) (6), (b) (7)(C) has not alleged any negative

<sup>1</sup> Amazon submits this position statement and the accompanying materials on a confidential basis and with the understanding that they will remain confidential and not be released outside the NLRB, except as expressly provided by law.

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reaction to the statement. (b) (6), (b) (7)(C) has not alleged any hostility made in response to (b) (6), (b) (7)(C) statement. Indeed, to the contrary, the record will show that Amazon dealt with (b) (6), (b) (7)(C) with care and compassion, giving (b) (6), (b) (7)(C) repeated opportunities to comply with its disability accommodation/medical leave processes. And that rather than cooperate, (b) (6), (b) (7)(C) was belligerent, obstructive and ultimately abandoned (b) (6), (b) (7)(C) job. (b) (6), (b) (7)(C) single statement in support of organizing cannot possibly insulate (b) (6), (b) (7)(C) from the requirement that (b) (6), (b) (7)(C) comply with basic, reasonable rules regarding attendance and leaves of absence. Indeed, there is no evidence that there was any connection between the two. Amazon did not discharge (b) (6), (b) (7)(C) nor did it constructively discharge (b) (6), (b) (7)(C). The charge should be dismissed.

## **FACTUAL BACKGROUND**

### **I. AMAZON.COM**

Amazon.com operates websites that sell various products, including books, electronics, CDs, DVDs and apparel. Amazon.com packages and ships products from numerous warehouses in North America called "Fulfillment Centers," including one in Middletown, Delaware (the "Fulfillment Center"). The Fulfillment Center has approximately 4,500 employees through most of the year, increasing to 6,500 employees during the November/December holiday season.

### **II. (b) (6), (b) (7)(C) EMPLOYMENT AT AMAZON**

#### **A. (b) (6), (b) (7)(C) Position.**

(b) (6), (b) (7)(C) began (b) (6), (b) (7)(C) employment with Amazon as a Warehouse Associate on July 31, 2013. As a Warehouse Associate, (b) (6), (b) (7)(C) duties included, but were not limited to, using machinery to locate, pick and pack customer orders for shipment from the Fulfillment Center.

#### **B. The Company's "VOA" Board, (b) (6), (b) (7)(C) Union-Related Comment and the Company's Response.**

At the Fulfillment Center, Amazon maintains two so-called "Voice of the Associate" or "VOA" boards as a means of communication between employees and the Company. Each VOA board is a large white board placed near each main entrance to the facility and is designated as an open forum for employee comments on any subject. Employees are permitted to handwrite a comment in the space provided, and the Company then responds in writing to the comment on the VOA board (typically on the same or the next day) and follows up directly with the employee, if appropriate. All comments (positive, negative and neutral) and the Company's response are generally left on the board for five days and then cleared to make room for ongoing communications.<sup>2</sup>

On August 26, 2016, (b) (6), (b) (7)(C) utilized the West VOA board to post a comment stating that (b) (6), (b) (7)(C) had seen a poster in the Fulfillment Center promoting a "union club" and that (b) (6), (b) (7)(C) was interested in running for president of the "club" and asked who (b) (6), (b) (7)(C) should contact. The Company responded on the VOA board on the same day with its standard statement reminding employees of the

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<sup>2</sup> The only exception is for comments that are obscene, profane or which violate a specific Company policy, e.g., the EEO, sexual harassment or workplace violence policies.



Amazon Open Door policy and expressing the Company's preference to work directly with its employees.

Notably, the Company treated (b) (6), (b) (7)(C) 8/26/15 posting on the VOA board consistent with all other postings; it remained on the board and was responded to in the normal course of business. Following its normal practice, representatives of the Company also met that same day with (b) (6), (b) (7)(C) to answer any questions (b) (6), (b) (7)(C) had. This meeting was held with (b) (6), (b) (7)(C), then (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), (b) (6), (b) (7)(C).<sup>3</sup>

At the 8/26/15 meeting, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) discussed a number of issues related solely to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) asked about how (b) (6), (b) (7)(C) could increase (b) (6), (b) (7)(C) personal compensation and about potential career advancement opportunities. (b) (6), (b) (7)(C) also expressed concerns about (b) (6), (b) (7)(C) ailing (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) role as the primary caregiver, as well as (b) (6), (b) (7)(C) own health issues, including the need for back surgery. Finally, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) explained that there was no Amazon-sponsored union "club" and shared Amazon's position on unions and the Company's preference to remain union-free. (b) (6), (b) (7)(C) told them (b) (6), (b) (7)(C) had been confused, as (b) (6), (b) (7)(C) thought the presence of the NLRB-related poster (b) (6), (b) (7)(C) had seen in the break room meant that the Company supported unionization.<sup>4</sup> The meeting ended with no action items or follow up issues. The Company is not aware of any other statements or activities by (b) (6), (b) (7)(C) in support of unionization.

**C. (b) (6), (b) (7)(C) Sexual Assault Complaint and the Company's Investigation.**

On June 3, 2015, (b) (6), (b) (7)(C) reported to Amazon (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was uncomfortable because another (b) (6), (b) (7)(C) had allegedly approached (b) (6), (b) (7)(C) from behind and run (b) (6), (b) (7)(C) index fingers along the sides of (b) (6), (b) (7)(C) waist. The Company immediately conducted a thorough investigation into the alleged incident, which included interviewing witnesses and reviewing video surveillance footage. The Company ultimately concluded that, while there had been very brief physical contact as (b) (6), (b) (7)(C) passed (b) (6), (b) (7)(C) on the warehouse floor, there was no assault.

Over the next few months, however, (b) (6), (b) (7)(C) continued to complain to Human Resources about (b) (6), (b) (7)(C) and demand that Amazon relocate (b) (6), (b) (7)(C) out of (b) (6), (b) (7)(C) work location. On July 31, 2015, (b) (6), (b) (7)(C) wrote on the Fulfillment Center's VOA board that (b) (6), (b) (7)(C) who sexually assaulted (b) (6), (b) (7)(C) a while ago ha[d] made defamatory statement [sic] on what had occurred." On September 16, 2015, (b) (6), (b) (7)(C) told Human Resources (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) wanted to file a restraining order against (b) (6), (b) (7)(C) and called the police, who came to the Fulfillment Center and interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) then submitted to Human Resources five more written statements between September 25, 2015 and October 9, 2015 and again threatened to call the police if Amazon did not move (b) (6), (b) (7)(C) to the other side of the building. (b) (6), (b) (7)(C) also sent dozens of text messages to Regional Human Resources (b) (6), (b) (7)(C)

<sup>3</sup> In previous interactions with (b) (6), (b) (7)(C) in connection with work-related issues, (b) (6), (b) (7)(C) had told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) did not like to meet openly in the facility and preferred to meet in private. Consistent with (b) (6), (b) (7)(C) request, the 8/26/15 was held in (b) (6), (b) (7)(C) office.

<sup>4</sup> Amazon believes the poster in question was the notice of NLRA-related rights that federal contractors are required to post pursuant to Executive Order 13496.

(b) (6), (b) (7)(C) in which (b) (6), (b) (7)(C) alleged (b) (6), (b) (7)(C) was being "bullied" and "tortured" and stated that (b) (6), (b) (7)(C) wanted (b) (6), (b) (7)(C) managers "to feel the same pain they [were] causing [(b) (6), (b) (7)(C)]." (See Exhibit "A," Text Records).

However, each time a Human Resources Manager met with (b) (6), (b) (7)(C) and asked (b) (6), (b) (7)(C) what had prompted (b) (6), (b) (7)(C) to submit (b) (6), (b) (7)(C) most recent complaint, (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) had not interacted with (b) (6), (b) (7)(C) since June 3, 2015. Accordingly, after interviewing (b) (6), (b) (7)(C) about each of (b) (6), (b) (7)(C) subsequent complaints, Amazon's Human Resources Managers reminded (b) (6), (b) (7)(C) that their investigation had failed to corroborate (b) (6), (b) (7)(C) June 2015 allegations against (b) (6), (b) (7)(C) and, therefore, they could not move (b) (6), (b) (7)(C) or permanently prevent (b) (6), (b) (7)(C) from encountering (b) (6), (b) (7)(C) in common areas such as hallways, break rooms or stairs.

Still, out of concern for (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) on October 9, 2015 if there was anything else he could do to improve (b) (6), (b) (7)(C) situation, offering to assign (b) (6), (b) (7)(C) to a new shift or move (b) (6), (b) (7)(C) to a new work location. (b) (6), (b) (7)(C) declined (b) (6), (b) (7)(C) offers, demanding instead that Amazon pay for (b) (6), (b) (7)(C) to attend architecture school and pay all of the medical expenses associated with (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Despite (b) (6), (b) (7)(C) unreasonable demands, (b) (6), (b) (7)(C) agreed at the end of their two-hour meeting to meet (b) (6), (b) (7)(C) again on October 15, 2015 and invited (b) (6), (b) (7)(C) in the meantime to take excused time off to relax whenever (b) (6), (b) (7)(C) felt stressed during (b) (6), (b) (7)(C) work hours.

**D. (b) (6), (b) (7)(C) Advises Amazon That (b) (6), (b) (7)(C) Is Taking Medication That Impairs (b) (6), (b) (7)(C) Cognitive Functioning.**

On October 10, 2015, (b) (6), (b) (7)(C) sent a text message to (b) (6), (b) (7)(C) and complained that (b) (6), (b) (7)(C) was experiencing chest pains during (b) (6), (b) (7)(C) shift. (See Exhibit "A," Text Records). (b) (6), (b) (7)(C) declined (b) (6), (b) (7)(C) offer to call (b) (6), (b) (7)(C) an ambulance, refused to notify Amcare (Amazon's in-house medical team) and left work to go to the hospital. (b) (6), (b) (7)(C) ignored (b) (6), (b) (7)(C) inquiries about (b) (6), (b) (7)(C) condition over the next few days and failed to report for (b) (6), (b) (7)(C) scheduled shift on October 14, 2015. The next time (b) (6), (b) (7)(C) saw (b) (6), (b) (7)(C) was when (b) (6), (b) (7)(C) arrived at the Fulfillment Center on October 15, 2015 and went straight to Amcare.

(b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) joined (b) (6), (b) (7)(C) in Amcare. While there, (b) (6), (b) (7)(C) attempted to file a Worker's Compensation claim for (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) attributed to seeing (b) (6), (b) (7)(C) at the Fulfillment Center and told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had only come to work to fill (b) (6), (b) (7)(C) Xanax prescription. (b) (6), (b) (7)(C) then asked to go to (b) (6), (b) (7)(C) locker to retrieve (b) (6), (b) (7)(C) medicine, which (b) (6), (b) (7)(C) identified as ibuprofen and Tramadol, an opioid pain medication. Due to the cognitive effects of Xanax and Tramadol, (b) (6), (b) (7)(C) immediately contacted Amazon (b) (6), (b) (7)(C) and Amazon's Worker's Compensation representative to expedite (b) (6), (b) (7)(C) Workers' Compensation claim.

Over the next several days, (b) (6), (b) (7)(C) did not answer or return Amazon's Worker's Compensation team's multiple attempts to contact (b) (6), (b) (7)(C). On October 21, 2015, however, (b) (6), (b) (7)(C) visited (b) (6), (b) (7)(C) and submitted a note that confirmed (b) (6), (b) (7)(C) use of Tramadol. Accordingly, out of concern for (b) (6), (b) (7)(C) well-being, because Tramadol is known to impair a person's ability to safely engage in activities involving machinery, Amazon encouraged (b) (6), (b) (7)(C) to contact Amazon's leave-of-absence team and apply for a leave of absence. Amazon further instructed (b) (6), (b) (7)(C) that, pursuant to Amazon's Drug and Alcohol policy, (b) (6), (b) (7)(C) could not return to work until (b) (6), (b) (7)(C) submitted documentation from (b) (6), (b) (7)(C) health care provider stating that (b) (6), (b) (7)(C)



was no longer taking Tramadol. (See Exhibit "B," November 6, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C))

**F. Amazon Excuses (b) (6), (b) (7)(C) Lengthy Leave of Absence Despite (b) (6), (b) (7)(C) Failure to Submit Any Documentation to Support It.**

Unfortunately, despite raising (b) (6), (b) (7)(C) medical issues and failing to return to work on an unexcused basis after October 10, 2015, (b) (6), (b) (7)(C) failed to apply for a leave of absence. Instead, (b) (6), (b) (7)(C) sent a lengthy email to Amazon (b) (6), (b) (7)(C) in which (b) (6), (b) (7)(C) requested mediation of (b) (6), (b) (7)(C) sexual assault claim, repeatedly referenced (b) (6), (b) (7)(C) beliefs as a Born Again Christian, and asked (b) (6), (b) (7)(C) to visit (b) (6), (b) (7)(C) at the Fulfillment Center. (See Exhibit "C," October 29, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)) Although (b) (6), (b) (7)(C) reiterated to (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) could not return to work until (b) (6), (b) (7)(C) confirmed that (b) (6), (b) (7)(C) was no longer taking Tramadol, that Human Resources had already investigated (b) (6), (b) (7)(C) sexual assault complaint and was unable to corroborate it and that (b) (6), (b) (7)(C) should apply for a leave of absence, (b) (6), (b) (7)(C) continued to focus on sending emails to Amazon's CEO. (See Exhibit "D," November 5, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)).

Eventually, after confirming that (b) (6), (b) (7)(C) had never submitted any paperwork to request a leave of absence, Amazon's Human Resources Department reached out directly to its leave-of-absence vendor and initiated a request on (b) (6), (b) (7)(C) behalf. (See Exhibit "E," December 1, 2015 emails between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)). In the meantime, in response to (b) (6), (b) (7)(C) emails to (b) (6), (b) (7)(C) Amazon's Employee Relations Department conducted another investigation into (b) (6), (b) (7)(C) complaint about (b) (6), (b) (7)(C). That investigation also failed to corroborate (b) (6), (b) (7)(C) sexual assault allegation.

Thereafter, (b) (6), (b) (7)(C) emailed Amazon that (b) (6), (b) (7)(C) was ready to return to work, but could not afford to visit a doctor to obtain the necessary clearance. (See Exhibit "F," December 27, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C)). In response, Amazon offered to waive the medical clearance requirement and return (b) (6), (b) (7)(C) to work as soon as (b) (6), (b) (7)(C) provided assurance that (b) (6), (b) (7)(C) is not taking medications that impair cognitive functioning. (See Exhibit "G," December 29, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)). Moreover, despite the fact that (b) (6), (b) (7)(C) had ignored repeated requests for documentation showing (b) (6), (b) (7)(C) medical need for a leave of absence, Amazon nevertheless excused all of (b) (6), (b) (7)(C) absences since October 10, 2015. (See Exhibit "G," December 29, 2015 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)).

(b) (6), (b) (7)(C) nonetheless declined Amazon's offer, stating that (b) (6), (b) (7)(C) had "no medical knowledge concerning whether (b) (6), (b) (7)(C) is ready to return back to work." (See Exhibit "H," January 1, 2016 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)). (b) (6), (b) (7)(C) also stated, however, that (b) (6), (b) (7)(C) lack of "financial funding" was preventing (b) (6), (b) (7)(C) from seeing a doctor. Amazon advised that although the Company cannot return (b) (6), (b) (7)(C) to work until (b) (6), (b) (7)(C) confirms (b) (6), (b) (7)(C) is not taking Tramadol or Xanax, Amazon would pay for (b) (6), (b) (7)(C) to have an independent medical exam to obtain the necessary medical documentation. (See Exhibit "I," January 8, 2016 email from (b) (6), (b) (7)(C)).

(b) (6), (b) (7)(C) ignored Amazon's offer, instead demanding, once again, that Amazon move (b) (6), (b) (7)(C) and requesting a personal visit from (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) residence as soon as possible." (See Exhibit "J," January 13, 2016 email from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C)). In a final attempt to assist (b) (6), (b) (7)(C) Amazon asked that by (b) (6), (b) (7)(C) 2016 (b) (6), (b) (7)(C) (1) verbally confirm that (b) (6), (b) (7)(C) is no longer

taking any medication that impairs (b) (6), (b) (7)(C)'s ability to return to work safely; (2) notify Amazon that (b) (6), (b) (7)(C) is willing to have Amazon pay for an independent medical exam to help (b) (6), (b) (7)(C) obtain return to work clearance; or (3) contact the leave-of-absence team to apply for additional leave and then provide the necessary paperwork within their required timeframe. (See Exhibit "K," January 18, 2016 email from (b) (6), (b) (7)(C)). Ultimately, despite the repeated efforts of the Company to work with and assist (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) never took any of these steps. On January 27, 2016, the Company sent a letter to (b) (6), (b) (7)(C) confirming that it considered (b) (6), (b) (7)(C) to have voluntarily resigned due to job abandonment. (b) (6), (b) (7)(C) filed the underlying charge on or about July 14, 2016.<sup>5</sup>

### **LEGAL ARGUMENT**

#### **I. (b) (6), (b) (7)(C) SECTION 8(A)(3) ALLEGATION DOES NOT HAVE MERIT.**

Based on the factual record, it is clear that (b) (6), (b) (7)(C)'s allegations are without merit and that (b) (6), (b) (7)(C) was not constructively discharged. As demonstrated by the detailed discussion above, (b) (6), (b) (7)(C) repeatedly failed and refused to meet Amazon's requests to confirm (b) (6), (b) (7)(C)'s fitness for duty and to cooperate in the repeated attempts by the Company to assist (b) (6), (b) (7)(C) in either returning to work or in utilizing available leave of absence opportunities. For these reasons, the charge should be dismissed.

##### **A. (b) (6), (b) (7)(C) Cannot Demonstrate a *Prima Facie* Violation of Section 8(a)(3).**

In cases concerning alleged unlawful retaliatory conduct against an employee, the Board typically utilizes the legal framework established under *Wright Line*, 251 NLRB 1083 (1980), *enfd.*, 662 F.2d 899 (1st Cir. 1981), *cert. denied*, 455 U.S. 989. Under this multi-part test, first "the General Counsel must make a *prima facie* showing sufficient evidence to support the inference that protected conduct was a 'motivating factor' in the employer's decision." See *Wal-Mart Stores, Inc.*, 352 NLRB 815, 845 (2008). Additionally, a violation necessarily depends on a causal connection between employee protected activities and an adverse employment action. See *P.W. Supermarkets Inc.*, 269 NLRB 839, 840 (1984). If this showing is made by a preponderance of the evidence, "the burden shifts to the employer to demonstrate that the same action would have taken place even in the absence of the protected conduct." *Wal-Mart Stores*, 352 NLRB at 845; see *Cardinal Home Prods., Inc.*, 338 NLRB 1004, 1008 (2003).

Initially, the Company does not dispute that (b) (6), (b) (7)(C) engaged in very limited protected activity, when (b) (6), (b) (7)(C) made a single statement on August 26, 2015 concerning a "union club." (b) (6), (b) (7)(C) was obviously mistaken about the existence of such a club, and the Company clarified the issue that same day. Even accepting this as "protected activity," there is no evidence that this odd incident in August 2015 was in any way a "motivating factor" for (b) (6), (b) (7)(C)'s separation.

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<sup>5</sup> (b) (6), (b) (7)(C) also filed a charge in connection with the separation of (b) (6), (b) (7)(C)'s employment with the Equal Employment Opportunity Commission ("EEOC") on or about February 3, 2016, which charge was dismissed by the EEOC on or about May 12, 2016. (See Exhibit "M," EEOC Charge and Notice of Right To Sue). (b) (6), (b) (7)(C) also had previously filed a charge with the EEOC in connection with the alleged sexual assault, which charge was also dismissed. Amazon submits that (b) (6), (b) (7)(C) is engaging in "forum shopping" and trying to draw the NLRB into a dispute that is clearly about (b) (6), (b) (7)(C)'s baseless allegations of sexual assault and asserted medical issues. Under these circumstances, the Region should view (b) (6), (b) (7)(C)'s credibility with heightened skepticism.



from employment (b) (6), (b) (7)(C) months later, in (b) (6), (b) (7)(C) 2016. (b) (6), (b) (7)(C) cannot support a *prima facie* case of unlawful constructive discharge.

**B. Were a *Prima Facie* Case Found, Amazon Had a Legitimate Basis For Considering (b) (6), (b) (7)(C) to Have Abandoned (b) (6), (b) (7)(C) Job.**

Further, even if (b) (6), (b) (7)(C) could demonstrate a *prima facie* case, which (b) (6), (b) (7)(C) cannot, Amazon still had a specific, demonstrable, and reasonable basis for considering (b) (6), (b) (7)(C) to have abandoned (b) (6), (b) (7)(C) job and confirming the separation of (b) (6), (b) (7)(C) employment on (b) (6), (b) (7)(C), 2016. Based on the detailed description of the events between October 2015 and (b) (6), (b) (7)(C) 2016, Amazon can demonstrate that it would have taken all of its actions in connection with (b) (6), (b) (7)(C) employment even in the absence of that protected conduct. In this regard there are a number of key facts that are not in dispute:

- Between October 2015 and (b) (6), (b) (7)(C) 2016, (b) (6), (b) (7)(C) advised the Company that (b) (6), (b) (7)(C) was taking Xanax and Tramadol, both known to interfere with cognitive functioning and which present a danger to individuals operating machinery.
- The Company repeatedly expressed a willingness to return (b) (6), (b) (7)(C) to work, but also reasonably requested that (b) (6), (b) (7)(C) provide medical confirmation that (b) (6), (b) (7)(C) was not still taking any medications that impair cognitive functioning.
- After (b) (6), (b) (7)(C) had been out of work for six weeks on an unexcused basis and having failed to apply for a leave of absence, Amazon representatives initiated a request on (b) (6), (b) (7)(C) behalf on November 27, 2015.
- Even then, (b) (6), (b) (7)(C) failed to provide any documentation in support of a medical leave of absence and, instead, remained out of work on an unexcused basis.
- On December 27, 2015, (b) (6), (b) (7)(C) advised the Company that (b) (6), (b) (7)(C) was ready to return to work, but to date had not presented any medical documentation in support of (b) (6), (b) (7)(C) two and half month absence from work.
- At this point, Amazon nonetheless excused (b) (6), (b) (7)(C) lengthy leave of absence despite (b) (6), (b) (7)(C) failure to provide the required documentation.
- In an effort to return (b) (6), (b) (7)(C) to work, the Company also requested that (b) (6), (b) (7)(C) verbally confirm that (b) (6), (b) (7)(C) was no longer taking the medications at issue and to provide confirmation from a doctor.
- When (b) (6), (b) (7)(C) advised that (b) (6), (b) (7)(C) could not afford to see a doctor, the Company offered to pay for a medical examination for (b) (6), (b) (7)(C) in order to obtain the necessary documentation. (b) (6), (b) (7)(C) did not avail (b) (6), (b) (7)(C) of this offer.
- At no time after October 10, 2015 did (b) (6), (b) (7)(C) provide any medical documentation or even verbally confirm that (b) (6), (b) (7)(C) was not taking the medications at issue.
- Throughout the period from October 2015 to (b) (6), (b) (7)(C) 2016, rather than cooperate with the Company and address the issues that were hindering (b) (6), (b) (7)(C) return to work or utilization of

leave, (b) (6), (b) (7)(C) merely made unreasonable requests, including a request that (b) (6), (b) (7)(C) visit (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) house.

As these undisputable facts overwhelmingly demonstrate, Amazon acted reasonably and lawfully at all times. Moreover, the suggestion that (b) (6), (b) (7)(C) was somehow subjected to "onerous conditions" throughout this extended period during which (b) (6), (b) (7)(C) absented herself from work is preposterous. Not only did Amazon follow at all times its relevant and reasonable policies concerning prescription drug use, the treatment of employees with medical or disability issues and medical leaves of absence,<sup>6</sup> but it went above and beyond its obligations, including excusing a long period of time where (b) (6), (b) (7)(C) was not working, without documented excuse.<sup>7</sup>

The Company engaged in sustained efforts over a several month period in an attempt to resolve (b) (6), (b) (7)(C) medical issues and have (b) (6), (b) (7)(C) either return to work or take a leave of absence. (b) (6), (b) (7)(C) was provided with numerous opportunities to retain (b) (6), (b) (7)(C) employment, but repeatedly refused to provide basic, but important, information in response to Amazon's reasonable requests, and otherwise failed to cooperate with the Company. Ultimately, the Company was left with no choice but to consider this job abandonment and confirmed that on (b) (6), (b) (7)(C) 2016. The charge should be dismissed.

## **II. SECTION 10(J) RELIEF IS NOT WARRANTED.**

The Region has also requested the Company's position on Section 10(j) relief. The applicable legal standards for such relief are well-established:

Section 10(j) of the Act enables the [NLRB] or its designated agent to seek interim injunctive relief from a federal district court pending the Board's own administrative adjudication of unfair labor practice proceedings. See 29 U.S.C. § 160(j). A district court's determination whether to issue temporary injunctive relief under § 10(j) involves a two-fold inquiry. First, the district court must decide whether there is reasonable cause to believe that an unfair labor practice has occurred. See *Hirsch v. Dorsey Trailers, Inc.*, 147 F.3d 243, 247 (3d Cir. 1998); *Pascarell v. Vibra Screw Inc.*, 904 F.2d 874, 877 (3d Cir. 1990). This prong of the test is satisfied when, viewing the facts most favorably to the Board, there is sufficient evidence to support the legal theory of violation presented by the Regional Director, and when that theory is substantial and not frivolous. See *Eisenberg v. Lenape Products, Inc.*, 781 F.2d 999, 1003 (3d Cir. 1986). Second, having found "reasonable cause," the district court must find that the issuance of an injunction is "just and proper," i.e., that it is in the public interest to grant the injunction, so as to effectuate the policies of the [NLRA] or to fulfill the remedial function of the Board. See *id.*; *Dorsey Trailers*, 147 F.3d at 247; *Vibra Screw*, 904 F.2d at 877.

*Kendellen v. Interstate Waste Servs. of New Jersey*, No. CIV. 06-5694, 2007 WL

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<sup>6</sup> See Exhibit "N," Amazon Policies.

<sup>7</sup> For comparative purposes, 57 other Fulfillment Center employees were terminated in the period between August 2015 to (b) (6), (b) (7)(C) 2016 for failing to provide information in connection with a requested medical leave of absence.

David Rodriguez  
August 12, 2016  
Page 9

121435, at \*2 (D.N.J. Jan. 11, 2007).

For all of the reasons explained in detail above, that burden cannot be met here. Moreover, even if, for the sake of argument, the Region finds merit to the allegation, any violation of the Act in this case can be fully remediated through the Board's normal process. For all these reasons, a resort to extraordinary injunctive relief is not warranted.

### **CONCLUSION**

For all the reasons stated above, this charge should be dismissed.

Please let us know if you have any questions or need any additional information. If additional information or evidence is provided by the Charging Party, please afford the Company an opportunity to respond to it.

Sincerely,

/s/ Michael E. Lignowski

MEL/  (b) (6)



## **EXHIBIT A**

Thursday 9/24/2015 – Tuesday 10/13/2015/ From # (b) (6), (b) (7)(C)

Verizon LTE 9:39 AM  
< Messages (b) (6), (b) (7)(C)

Text Message  
Thu, Sep 24, 8:42 PM

Sorry my reply is late. (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) I will go in tomorrow afternoon and get the correct person responsible and edit where I have input your name. This w

as completely a misunderstanding of identifying the stranger involved.

Do you know the (b) (6), (b) (7)(C) name and (b) (6), (b) (7)(C) title? I don't want to get it wrong a second time.

Good night.

Fri, Sep 25, 3:11 PM

Hi (b) (6), (b) (7)(C). I was expecting you to contact me today concerning the identification of the (b) (6), (b) (7)(C) name that was in the room. But I went to HR to request the

information and the correction

Verizon LTE 9:39 AM  
Details < Messages (b) (6), (b) (7)(C)

information and the correction needed.

I am very sorry for placing your name in the incident report. It was an honest mistake. Thank you for letting me know.

Fri, Sep 25, 4:16 PM

Not at all (b) (6), (b) (7)(C) I believe that it was (b) (6), (b) (7)(C) that you referenced (b) (6), (b) (7)(C) is the the (b) (6), (b) (7)(C) I just wanted to reach out to you and set up some time to discuss the whole situation and it seems from your report that you are not happy with the situation.

Saturday 12:27 PM

Hello (b) (6), (b) (7)(C) I have asked HR personnel to see when we can schedule a meeting.

Also I've corrected the mistake I made.

Verizon LTE 9:39 AM  
Details < Messages (b) (6), (b) (7)(C)

Tuesday 4:05 AM

Hi (b) (6), (b) (7)(C) I am in California this week but should be around PHIL next week. Can we sit down then? What is your work schedule?

Tuesday 11:12 AM

It's okay (b) (6), (b) (7)(C) I will contact (b) (6), (b) (7)(C). Enjoy your trip. Be safe traveling.

(b) (6), (b) (7)(C) I'm sorry if I upset you in some way. I can speak by phone this week, I would just not be available to sit down with you until next week.

Could we speak later today?

Tuesday 2:48 PM

I can wait for you (b) (6), (b) (7)(C)

Today 4:57 AM

0:00 Send

0:00 Send

0:00 Send

Verizon LTE 9:40 AM  
< Messages (b) (6), (b) (7)(C)

Today 4:57 AM

Good morning (b) (6), (b) (7)(C) I wanted to bring something to your attention that occurred on Wednesday morning.

I had asked (b) (6), (b) (7)(C) to move me to B Mod after I saw the (b) (6), (b) (7)(C) who assaulted me working in the A Mod area. After I asked (b) (6), (b) (7)(C) to move me (b) (6), (b) (7)(C) reply was. "W

ell what did HR say on the matter?"

(b) (6), (b) (7)(C) actually paused and waited as if their lack of concern for my situation was going to override my request. I see now that it doesn't matter if you're r

ight the only thing that matters is sticking together, right or wrong.

Why must I have to, as a victim,

0:00 Send

Verizon LTE 9:40 AM  
Details < Messages (b) (6), (b) (7)(C)

Why must I have to, as a victim, protect and defend myself from people who are literally paid to hold a position at my workplace in which they have agree

in which we as (b) (6), (b) (7)(C) associates can be successful at delivering 5 star service to Amazon's clientele.

d to support the associates from harm and provide them with customer service when they are in need. They are only in the building to create an atmosphere

It is very clear to me that I am being bullied at work. This is a place of business not a high school. I'm being tortured every day I come in here just f

or having morals and ethics. Some people in here are beyond childish.

0:00 Send

Verizon LTE 9:40 AM  
Details < Messages (b) (6), (b) (7)(C)

Today 9:04 AM

Hi (b) (6), (b) (7)(C) I am still in California but fly back to the east today. As soon as my schedule is completed, I will let you know when we can sit down or we can speak on Monday by phone. I do not want you to be in a position that is making you uncomfortable.

I feel as though they are joining forces to go against me. I am a (b) (6), (b) (7)(C) of God and even if this situation were to end up in court they will not find any fault in me. I have always looked after other people at work. Taking up for them, educating and giving wisdom when they need it. A shoulder to cry on or advice. I have even looked after my superiors when the Tier I associates had plans to cuss them out over misunderstandings. I don't just preach the Amazonian way I

0:00 Send



Verizon LTE 9:40 AM

Messages (b) (6), (b) (7)(C)

preach the Amazonian way I practice it as well. Good leadership exercises in this manner. People older than me come to me seeking my input and help from level one to the GM and I'm (b) years old. I take so much pride in what I do and what I am able to give. I love meeting new people and helping my management team. It's just crazy how some are turning on me for asking them to protect me from a (b) (6), (b) (7)(C) who assaulted me. (b) (6), (b) (7)(C) said (b) (6) does not know of the negative Amazon that the New York Times article wrote of but I do. I am willing to sit down and go through a legal mediation meeting with you and an Amazon attorney on a settlement, but no one has even asked me what I would like to see happen to resolve these situations. I remember in one of your first few texts you referred to me feeling 'bad' about what



0:00

Send

Verizon LTE 9:40 AM

Details Messages (b) (6), (b) (7)(C)

to me feeling 'bad' about what has happened to me. However, I have been quite patient and calm I am no longer able to hold in the turmoil I am experiencing inside. I'm beyond feeling bad. I feel abandoned, hurt, misunderstood, cheated, lied to, humiliated, threatened and bullied. I have an explosion of anger sitting on the edge of my heart. I personally feel as though going to court will be the only way that (b) (6), (b) (7)(C) will see what the people (b) (6) has entrusted to lead (b) (6) building are really like and what they have and haven't been doing for their best workers. I want them to feel the same pain they're causing me by revealing their truth to the public. I am loyal to a fault and will protect those close to my heart but when someone crosses or attacks me it's a

different story completely.



0:00

Send

Verizon 12:53 PM

Details Messages (b) (6), (b) (7)(C)

Friday 8:13 PM

(b) (6), (b) (7)(C) please excuse me I know it's late but I wanted to ask you if I should email an attachment of my 'Demand Letter' to you by Monday night so t

hat when we sit down together later in the week you and the attorney are aware of what I am seeking for settlement and resolution of both situations conc

erned? Or do you want me to produce a hard copy on the day of us three meeting next week?

Today 9:00 AM

Hi (b) (6), (b) (7)(C) Do you work tomorrow? I will be down there tomorrow morning and then again on Friday. As far as the letter is concerned, feel free to send me whatever you feel is necessary. My email



Send

Verizon 12:54 PM  
< Messages (b) (6), (b) (7)(C) Details  
seeking for settlement and resolution of both situations conc  
erned? Or do you want me to produce a hard copy on the day of us three meeting next week?

Today 9:00 AM

Hi (b) (6), (b) (7)(C) Do you work tomorrow? I will be down there tomorrow morning and then again on Friday. As far as the letter is concerned, feel free to send me whatever you feel is necessary. My email (b) (6), (b) (7)(C) amazon.com.

I will not have an attorney with me at that time. You may certainly take whatever action you deem necessary, however, I would like to have the opportunity to speak with you and try to resolve your concerns.



Take a picture

Send

Verizon 4:56 PM 65%  
< Messages (b) (6), (b) (7)(C) Details  
Wed, Oct 7, 10:12 AM  
Good morning (b) (6), (b) (7)(C) I have not forgotten you. I have been quite busy. I will see you on Friday.

Wed, Oct 7, 11:14 AM

Great! Let's meet at 8am? Your I at 7:30 I believe.

Yes sir.

Wed, Oct 7, 3:29 PM

(b) (6), (b) (7)(C) my management team had us both in same Mod again. Had to explain situation to my (b) (6), (b) (7)(C) I shouldn't have to be doing this at all.

I am so glad when you get here. Why does it take another adult to parent ADULTS?! I don't understand.

Sat, Oct 10, 3:47 PM



Take a picture

Send

Verizon 4:56 PM 65%  
< Messages (b) (6), (b) (7)(C) Details  
Sat, Oct 10, 3:47 PM  
(b) (6), (b) (7)(C) i was written up for my idle time and clock ins being late. Today (b) (6), (b) (7)(C) is off. My (b) (6), (b) (7)(C) wanted me to explain it. I told (b) (6), (b) (7)(C) would like to discuss it with (b) (6), (b) (7)(C) and I got a print out of it before break. My therapist has given me three coping skills which involves listening to music, writing and talking to someone. Anytime I started to feel myself going too deep into thoughts of all that's going on at work with me I would find someone out on the floor to stop and help or talk to about anything just to calm down my emotions and to keep me from crying. I also stopped and wrote down issues that we could solve before peak gets too chaotic I even shared with (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). So I was able to keep on my false face of happiness in order to work. That is until I was approached for it. I



Take a picture

Send



Messages (b) (6), (b) (7)(C) Details

is until I was approached for it. I have been crying as well. After (b) (6), (b) (7)(C) wrote me up I stopped talking and helping people. Now I am having chest pains in the center of my breast plate. This started at 3:55 pm. I always get this chest pain when I am in extreme stress and emotional difficulty. I can't make it stop. I wanted to go fill out a workmans comp form but that requires for me to tell information in front of (b) (6), (b) (7)(C) and it's my business. I don't want (b) (6), (b) (7)(C) knowing. I need to fill one out with you when you get back here. Next week I need my write up to be copied and placed with the other paperwork please. I am thinking on next week. I also want to complete a refresher course in updates for my (b) (6), (b) (7)(C) position. I can shadow an Ambassador for all of Wednesday. After our meeting on Thursday morning afterwards I can do bin facing, break down extra boxes in the



Send

Messages (b) (6), (b) (7)(C) Details

break down extra boxes in the pallet and REST Racks from the night before, and complete the pallet land and pick problem solve stations I shared with my (b) (6), (b) (7)(C) today for the rest of the work week. I believe by then we will have reached a respectable solution we both can agree upon. I also need the rest of my workday to be covered.

I am not able to hide how I really feel and my productivity is sending out flags to management and I don't wish to go over the "Why." Also can we not hav

e my illness be spread all over the Admin, HR, Pick, Mezz, AFE, Ship, Facilities, ICQA, Stow and Safety departments please sir. All anyone this pertains

to should know is that I am off limits and you will be dealing



Send

Messages (b) (6), (b) (7)(C) Details

limits and you will be dealing closely with me until further notice.

I will be contacting my therapist on Monday. I will bring you back a potential schedule, the billing information and contact info and location.

Im leaving now from work. Have a blessed weekend.

The hour was typed wrong. My chest pains began at 2:55 pm. There was an associate to verify the situation. I didn't say anything until they inquired was

I okay.

Are you still on site? Are you going to the doctor now? Can I call an ambulance for you?

I'm going to the hospital



Send



Messages (b) (6), (b) (7)(C) Details

I'm going to the hospital

I would be happy to call an ambulance for you so that you do not have to drive. Or Amcare can assist you. You do not have to explain the situation only that you are having chest pains.

I have left. When I stopped those long messages I left to go hospital. I need to focus on driving

Sun, Oct 11, 3:02 AM

If you have time, please write and let me know that you are okay.

Sun, Oct 11, 10:03 AM

I left hospital at 2:50 am

Are you feeling better? We also need to ensure that we have a release from the doctor that you

Messages (b) (6), (b) (7)(C) Details

If you have time, please write and let me know that you are okay.

Sun, Oct 11, 10:03 AM

I left hospital at 2:50 am

Are you feeling better? We also need to ensure that we have a release from the doctor that you are able to work and start the accommodations process to understand if there any potential restrictions.

Tue, Oct 13, 6:00 PM

Hi (b) (6), (b) (7)(C) Have not heard anything from you? Are you planning on going to work tomorrow or will it be on Thursday when we meet. Either way, just need to understand from doctor's note that you are released to work or if there are restrictions.

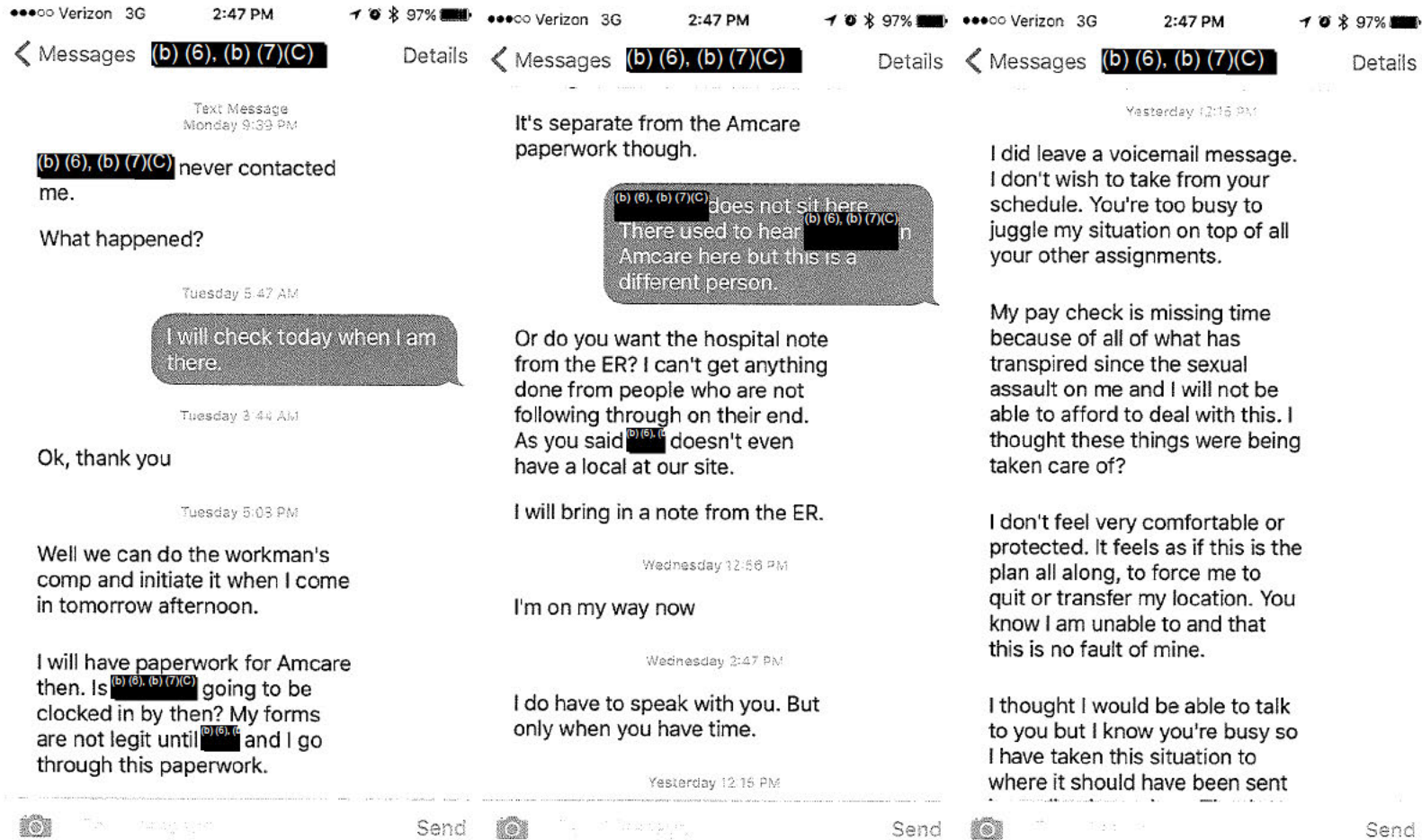


Send



Send

Monday 10/19/2015 – Monday 10/26/2015/ From # (b) (6), (b) (7)(C)



Verizon 3:43 PM 76%  
< Messages (b) (6), (b) (7)(C)

where it should have been sent immediately any how. Thanks for showing up to look into things.

Fri, Oct 23, 2:31 PM

(b) (6), (b) (7)(C) I still haven't heard from this (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) has barred me from returning to work until I bring in the return to work form and contact (b) (6), (b) (7)(C). Which is unfair. (b) (6), (b) (7)(C) had plenty of time to reach out to me to get me set up in the system and (b) (6), (b) (7)(C) had this week to even travel to the PHL7 site to meet me in person. I cannot depend on (b) (6), (b) (7)(C) getting things done on my behave right now. (b) (6), (b) (7)(C) probably too busy to be engaged with this situation. I want someone else on my case. I also want to know why I have to stay out of work until the workman's comp person places me in the system on top of



Send

Details < Messages (b) (6), (b) (7)(C)

by a doctor? Have you been given orders to terminate my employment by making it difficult for me to return back to work? Have you been given instructions to make me uncomfortable enough with this situation that it would force me to resign at PHL7? Why have you not been available to speak to me?

I have two doctors appointments concerning the sexual assault incident on Monday of next week. I will have the paperwork completed by then.

I also wanted to know why you have not provided me with a document concerning how my employer would like to resolve and or find a solution to the sexual assault incident and the incident that have followed in connection to it.

Send



Send

Verizon 3:43 PM 75%  
Details < Messages (b) (6), (b) (7)(C)

I thought you were coming in this week to meet with me in mediation with a written proposal? Is someone else being assigned this mediation now? (b) (6), (b) (7)(C) had a new person with (b) (6), (b) (7)(C) this week. Is that the person I am to contact from now on?

(b) (6), (b) (7)(C) My apologies for not returning your text from yesterday. (b) (6), (b) (7)(C) has attempted to contact you by phone as well as (b) (6), (b) (7)(C) They were unable to reach you at the number that is in your file. I provided them with is number as it appears that you have changed number. They have attempted to contact you here however your voicemail is not set up and they were unable to leave you a message.

The (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C) that is trying to

Send



Send

Send



Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

The (b) (6), (b) (7)(C) name is (b) (6), (b) (7)(C) that is trying to contact you.

I would like to meet (b) (6), (b) (7)(C) next week if possible. Being out of the building has caused me to question what is going on with this situation.

Oh, when did they do this?

Being out of the building is to protect your health first and foremost. We need to get resolution to this first and then we can continue to address any other concerns you may have.

That's a good call out. I have not set my voicemail up on this new phone yet. Let me do so right now then.

What does a (b) (6), (b) (7)(C) do?

Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

What does a (b) (6), (b) (7)(C) do?

(b) (6), (b) (7)(C) is trying to reach you to explain the process. I am not an expert in this field so we want to ensure that you are taken care of appropriately.

I'm still experiencing chest pains. When I think of the lie (b) (6), (b) (7)(C) has told, and how my coworkers have been treating me. Everyone says I need to learn how to not keep in the pain of what's hurting me but when I'm working I try to keep my professional head on as much as humanly possible.

Is (b) (6), (b) (7)(C) meeting with me or just calling?

Is (b) (6), (b) (7)(C) meeting with me or just calling?

Is (b) (6), (b) (7)(C) doing a meeting or a call?

Verizon 3:43 PM 75%  
< Messages (b) (6), (b) (7)(C) Details

What are their contact information and business hours?

They are both probably calling. Most of our support is spread across the country so meeting with everyone individually is not always possible.

I only got paid a little over 50 hours of work. I was told this would not affect my pay in missed hours, or decrease in wages yet it has.

The time that you took away from the floor was covered for that week as we committed. For anything due to your personal health, you would need to use UPT or vacation time. The other option is that you contact the Leave of Absence team and apply sort short term disability. I can send you that number in a few minutes when I get back to my computer.

Send

Send

Send

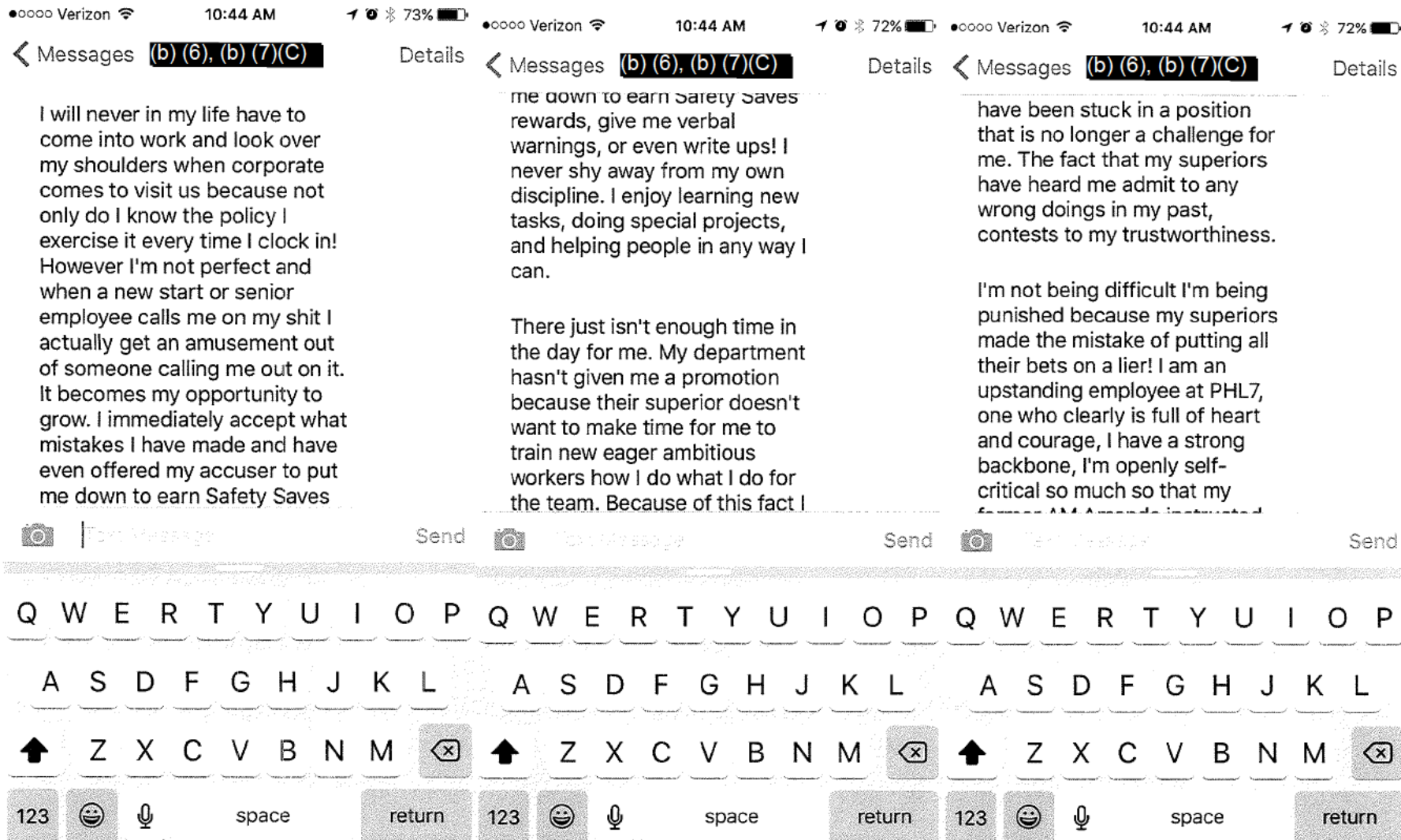
few minutes when I get back to my computer.

I'm so glad when this is over. For one thing I have been an exceptional employee. I do as expected and go above and beyond everyday. I have helped not only the people in Integrity but also blue badges as well. I encourage, support, teach, assist, and take up for everyone who is viewed as an underdog or insignificant to those in higher positions. I have stopped several people from seeking out PAs, AMs, Ops Mgrs, Sr. Ops, and the GMs from being disrespected or threatened in our building! I'm always the go to person, I'm the one no one has to worry about doing the right thing. Dispite the negative experiences with (b) (6), (b) (7)(C) an (b) (6), (b) (7)(C), the (b) (6), (b) (7)(C), or the (b) (6), (b) (7)(C) associate who sexually assaulted me I was always sought to welcome new starts

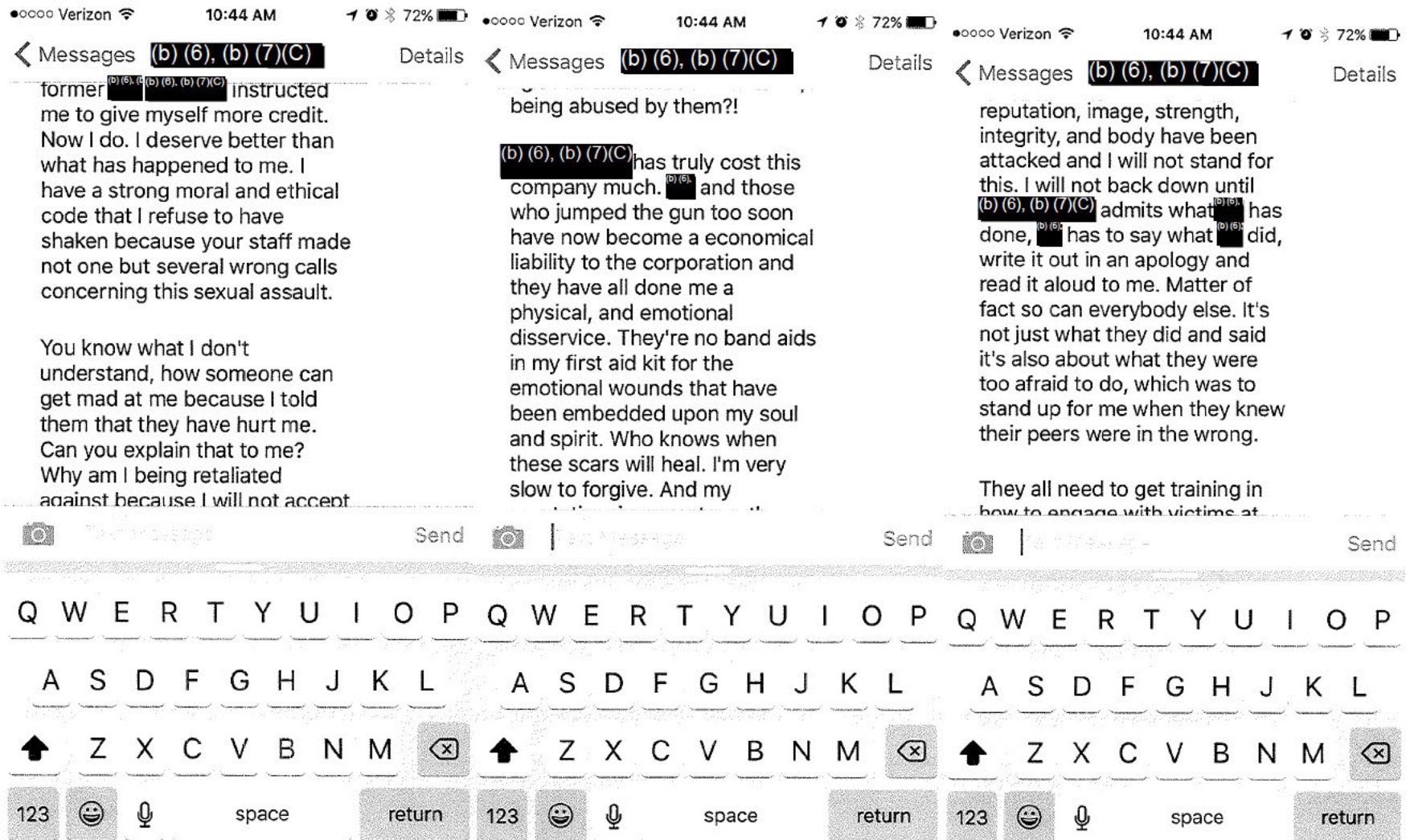
I'm so glad when this is over. For one thing I have been an exceptional employee. I do as expected and go above and beyond everyday. I have helped not only the people in Integrity but also blue badges as well. I encourage, support, teach, assist, and take up for everyone who is viewed as an underdog or insignificant to those in higher positions. I have stopped several people from seeking out PAs, AMs, Ops Mgrs, Sr. Ops, and the GMs from being disrespected or threatened in our building! I'm always the go to person, I'm the one no one has to worry about doing the right thing. Dispite the negative experiences with (b) (6), (b) (7)(C) an (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) or the (b) (6), (b) (7)(C) associate who sexually assaulted me I was always sought to welcome new starts and enthusiastically bring understanding and fun to the

or insignificant to those in higher positions. I have stopped several people from seeking out PAs, AMs, Ops Mgrs, Sr. Ops, and the GMs from being disrespected or threatened in our building! I'm always the go to person, I'm the one no one has to worry about doing the right thing. Dispite the negative experiences with (b) (6), (b) (7)(C) an (b) (6), (b) (7)(C) the (b) (6), (b) (7)(C) or the (b) (6), (b) (7)(C) associate who sexually assaulted me I was always sought to welcome new starts and enthusiastically bring understanding and fun to the AEW that the newly graduated AMs in training would get from me. Not once did I ever envelope them with my bad experiences in the building. I have never spoken I'll of my employer on social media. I always practice what I preach in concerns to my standard work process and safety.









&lt; Messages (b) (6), (b) (7)(C)

Details

They all need to get training in how to engage with victims at work, and I definitely want to be in the room to witness that. All rolled up with role play included it would be beneficial for everyone to participate. I'm not trying to put anyone on the chopping block to be terminated but I really really want to see (b) (6), (b) (7)(C) fired! But I will settle for them to be transferred out of the building instead.

I'm sure they have bills and children to take care of.

I want to make certain that I am compensated for every day your staff took from me. So I do wish to see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) call me as soon as possible. I also wanted to get more PTO, Vacation, and UPT added on to my name. And if those associates who qualify for the

&lt; Messages (b) (6), (b) (7)(C)

Details

compensated for every day your staff took from me. So I do wish to see (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) call me as soon as possible. I also wanted to get more PTO, Vacation, and UPT added on to my name. And if those associates who qualify for the Career Choice program but don't use their opportunity for paid tuition I wanted to know how I can get awarded what they're not using. I want to go back to (b) (6), (b) (7)(C) and get my Associates Degree in architecture and then I want to get my Masters degree in



Send



Send



get my Masters degree in Architecture. That's not cheap but it would be affordable if I could take what's sitting in reserve from people who will never use it. I can go back to school on a full ride, depending on how many qualify each semester who don't use it. I can have money from that program ready if I needed school supplies for class and projects. I could sign up to study abroad and then come back to work when it's all said and done.

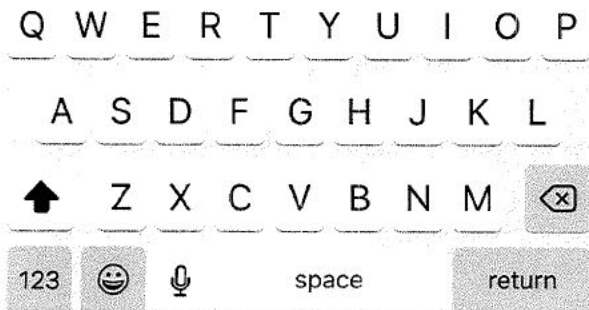
I could keep my back half days



Messages (b) (6), (b) (7)(C) Details

shift and get trained for a promotion to a Tier three position. My medical bills will be paid for concerning my medicine and appointments. Then I can speak to (b) (6), (b) (7)(C) about allowing me to travel to corporate to intern with the architects and engineers in Seattle. I can also find out how much I will be getting paid for my physical, mental, and emotional suffering. Which clearly won't be cheap. But I honestly still want to go to court. I want (b) (6), (b) (7)(C) to keep telling (b) (6), (b) (7)(C) lie because once

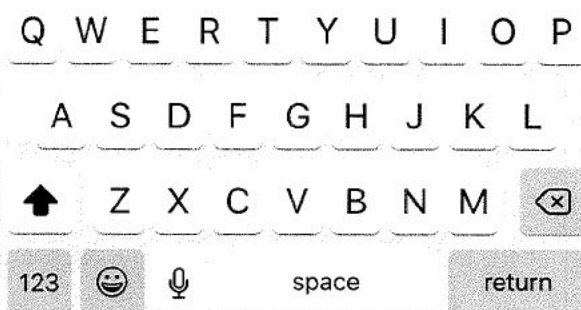
Send



Messages (b) (6), (b) (7)(C) Details

(b) (6), (b) (7)(C) gets on that stand and utters it I will ask my attorney to have (b) (6), (b) (7)(C) charged with lying on the stand and lying while (b) (6), (b) (7)(C) hand rests upon the Word of God. I will ask for the judge to give (b) (6), (b) (7)(C) the max amount of days in jail, possibly around 30 to 90 days. Who knows but what I do know is that once it happens Amazon will withdraw their financial support from (b) (6), (b) (7)(C) and what (b) (6), (b) (7)(C) lied to protect (b) (6), (b) (7)(C) employment" will still be taken from (b) (6), (b) (7)(C) I am no longer sympathetic to (b) (6), (b) (7)(C) ignorance. (b) (6), (b) (7)(C) a grown (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) knew better.

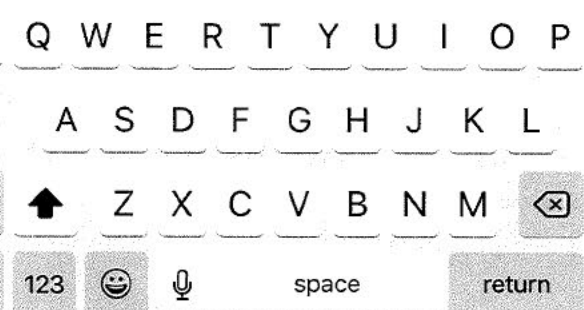
Send



Messages (b) (6), (b) (7)(C) Details

Again (b) (6), (b) (7)(C) you don't understand because it wasn't you. I do not come into to work to find love, I come there to get paid, to learn, mature, ascend professionally, and to have fun discovering people with different upbringings. It's literally the best part about coming to work. Now (b) (6), (b) (7)(C) and the rest of them have soured my experience at PHL7, it is only expected that they are disciplined for their gross misconduct. Respectfully submitted.

Send





Messages (b) (6), (b) (7)(C)

Details Messages (b) (6), (b) (7)(C)

Details Messages (b) (6), (b) (7)(C)

Details

Have a blessed weekend. I know it shouldn't be a surprise to you that I am having another panic attack and crying as I'm typing all this to you. I have asked my church to pray over me at this time. I know things will get better whether that means me having what I expect to have happen or someone shoots me in the face upon returning from work knowing that they're moving to another building I don't mind either way. I have accepted Christ Jesus as my Lord and my Saviour. I have been submerged in the name of

been submerged in the name of Father, the Son and the Holy Ghost through my water Baptism. I'm going to be alright in the face of all this evil that has nested upon my crown.

And I plead the blood of Christ Jesus over this situation. I know that God causes me to be triumphant, that means He makes me win. Through life or death I have already claimed the Victory! I will not allow any man woman or child disrespect me out of jealousy, spite, or prejudice. If any one dares to do

so then let the offence carry at least a small fraction of merit behind it so that I know what the heck I am at fault for receiving such unforgivable attacks upon my person and character.

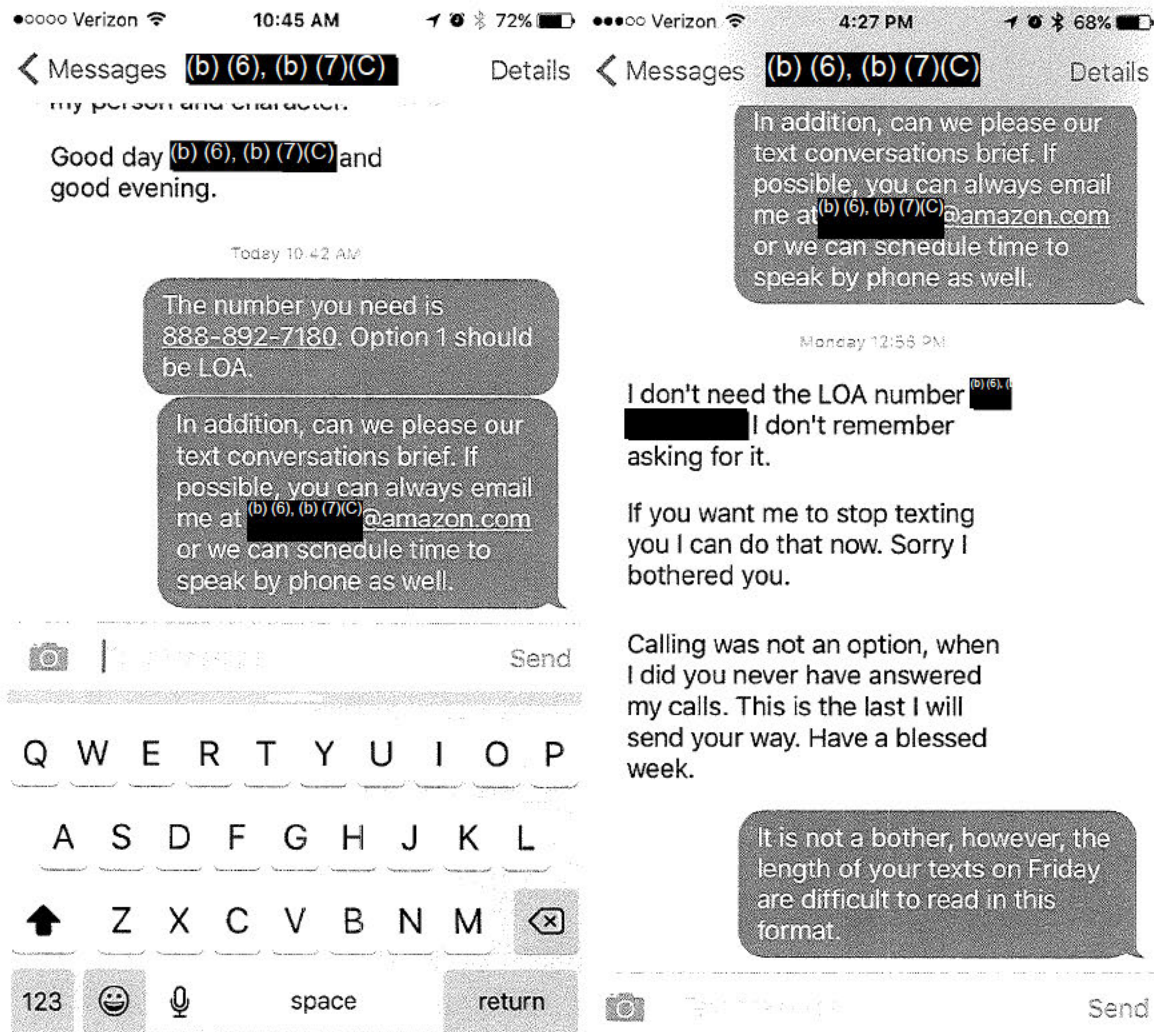
Good day (b) (6), (b) (7)(C) and good evening.

Today 10:42 AM

The number you need is 888-892-7180. Option 1 should be LOA.

In addition, can we please our





## **EXHIBIT B**



**From:** (b) (6), (b) (7)(C)  
**Sent:** Friday, November 06, 2015 12:31 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** Amazon Follow Up

(b) (6), (b) (7)(C) :

Please see the attached letter. I having included the text below for your convenience.

(b) (6), (b) (7)(C) ,

You are currently not working due to an October 10th incident during which you left work complaining of chest pains. Upon your return to work on October 15th, you told an AmCare associate you were suffering from anxiety and taking Xanax (a benzodiazepine with a sedative effect) and Tramadol (an opioid pain medication), after which you were sent home. A few days later, on October 21st, you submitted a note from your doctor confirming you are taking Tramadol, which is known to impair a person's ability to safely engage in activities involving machinery. On October 26th, you were provided the information to contact the LOA team about a potential leave of absence.

As you may know, Amazon's Drug and Alcohol policy prohibits employees from working under the influence of any prescription medication that may impair an employee's ability to safely perform his/her job, or cause drowsiness. In light of this policy, we ask that before you return to work, you provide documentation from your health care provider stating that you are no longer taking any such medication.

I also want to take this opportunity to follow up on our ongoing discussions about your complaint that co-worker (b) (6), (b) (7)(C) "assaulted" you when (b) (6), (b) (7)(C) approached you from behind and allegedly touched your lower abdomen. We investigated this allegation, and were unable to corroborate it. Given this result, we cannot grant your request that (b) (6), (b) (7)(C) be fired. Nor can we permit you to continue publicly attacking (b) (6), (b) (7)(C) on the VOB board, or to continue disrupting the workplace by calling the police to Amazon's facility about (b) (6), (b) (7)(C) purported "assault." If you would like to continue working with the police on your own, you are certainly welcome to do so.

(b) (6), (b) (7)(C) , though we were not able to corroborate your complaint, we have offered to accommodate you with a change in your shift or work location. You have rejected these offers, and have instead persisted in your demand that (b) (6), (b) (7)(C) be fired. You have also made repeated demands to HR about the various things you want Amazon to do for you—including that Amazon pay for your college tuition, and provide you with an internship in architecture in Seattle. Furthermore, you have told us repeatedly that you have a lawyer and intend to sue the Company.

If you have an attorney, we ask that you have him or her call our outside counsel, Michelle Silverman at Morgan, Lewis & Bockius at 609.919.6660 to discuss your demands. In the meantime, we ask that when you are ready to safely return to work, you refrain from further public attacks on (b) (6), (b) (7)(C) and refrain from making further demands or litigation threats regarding (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) alleged assault. To be clear, you are entitled to pursue a legal claim against Amazon if you so choose. And, of course— if you have any good faith concerns that are not related to the event with (b) (6), (b) (7)(C) that we have already investigated, you are encouraged to bring those to Human Resources.

Very truly yours,

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Have a great day -

(b) (6), (b) (7)(C)

North American Fulfillment

e: (b) (6), (b) (7)(C) | p: (b) (6), (b) (7)(C)

**amazon** fulfillment

Explore these links below...



[www.amazonfulfillmentcareers.com](http://www.amazonfulfillmentcareers.com)

Work hard. Have fun. Make history.

## **EXHIBIT C**

Exhibit C record consists of an email, which is included in the email string in Exhibit D.

The Exhibit C email is a duplicate and had been removed.



## **EXHIBIT D**

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]  
**Sent:** Thursday, November 05, 2015 6:10 AM  
**To:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@amazon.com>  
**Subject:** Paychecks

(b) (6), (b) (7)(C)

After my initial contact to you still nothing has been done to rectify anything. I am short almost thirty hours of pay from my last pay period and for this Friday's paycheck I have only been paid for 1.75 hours of work. Why is my pay being withheld from me? I am in a workman's comp open claim now and I was placed on a seven day leave of absence that I was told I would be paid in full during that absence. Then they opened up a workman's comp claim for me that has not issued me a doctor to see me for my injury, nor have they been paying me for being out of work. In what I had read in the workman's comp paperwork I was suppose to contact them upon my pay being incorrect in any way. I did that all last week, three voicemessages, that have gone unanswered by your employees. Was I suppose to contact the State of Delaware instead to pay me out my lost pay? If so, I will find away to get to the offices tomorrow in the morning. Sorry for bothering you. I know Peak is a very busy time.

(b) (6), (b) (7)(C)

11/05/2015

9:09 am

**From:** (b) (6), (b) (7)(C)  
**Sent:** Monday, November 02, 2015 11:47 AM  
**To:** execescalations  
**Cc:** (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)  
**Subject:** FW: Emergency (PHL7) Oct 29 2015

For your team. Thx.

**From:** (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]  
**Sent:** Thursday, October 29, 2015 7:35 AM  
**To:** (b) (6), (b) (7)(C)  
**Cc:** E. S.  
**Subject:** Emergency (PHL7) Oct 29 2015

Good morning (b) (6), (b) (7)(C)

I have been trying to get into contact with the workman's comp personnel concerning my previous paycheck missing almost thirty hours of pay. Also, I wanted to know when my upcoming paycheck will be dispersed. In addition, I needed the company to assign me a doctor to see me to clear me to return back to work concerning my recent panic attacks that started on the tenth of this month. I have called the point of contact for the workman's comp and left three voice mails this week and all have gone unanswered.

All of these things are stemming from the sexual assault incident that involved me as the victim on June 3 of this year and the following months of misconduct endured by the staff members overseeing it. I believe (b) (6), (b) (7)(C) still has the information on this situation, but (b) (6) is very busy.

I would like to sit down with someone who can fix my paycheck from last pay period as well as the upcoming one. Also I wanted for someone to sit down with me in person to discuss what I would like to see done for a resolution to all of this. (b) (6), (b) (7)(C) did not have time to produce a resolution contract, nor has (b) (6) been able to discuss with me on what I wanted to settle this matter.

I have worked at PHL7 for over two years, I pick, pack and sort in the Mezz and AFE, Safety, Learning, Problem Solver and Ambassador. I love constantly learning new things. I have accepted the Lord Jesus Christ as my Savior, been Baptized, I still have five more courses left until I graduate to earn my AS in Architectural Engineering at Delaware Technical Community College. I also wanted to go complete my MA as well, along with taking up certifications in the technical aspects of the visual arts field. My hope is that I will be able to intern at corporate during the summer, or after graduation.

What the staff has done is inexcusable. Everyone who knows me understands that I am a believer in the traits that you have painted in the main break room on the wall. I don't mind admitting when I need more time to grow in knowledge, or that wrong. Self Critical. I have morals and ethics that I standby and have ideas to better our work environment. Strong Backbone. I'm always looking for a better solution that does not compromise the budget. I don't ask the easy questions at the All-Hands meetings, that's why they won't call on me anymore. But I have built trustworthiness and dependability at PHL7.

Now what was done to me has literally made me sick. I had to be hospitalized due to the manner in which I have been treated at work. The staff has taken the side of the (b) (6), (b) (7) who sexually assaulted me at work, due to a witness they won't name telling them they only saw (b) (6), (b) (7) touch my shoulder. But they didn't include how long (b) (6) viewed the interaction, where the (b) (6), (b) (7) felt my body up along the sides, or how (b) (6) was so close I could feel (b) (6), (b) (7) breath upon my neck.

I asked for a mediation to go over what I expect as a resolution. I would like to see that happen sooner rather than later. I'm done with the staff acting out and attacking me. It's clear they are trying to get me to quit. I cannot afford to. I also would like for me and my attacker to get a polygraph done as well. I absolutely will not be retracting my statement nor will I allow (b) (6), (b) (7) to not admit what (b) (6) really did. This also includes those staff members as well. Threatening me, lying, and trying to push their inappropriate



actions under a carpet will not fly. The fact that a police officer suggested that I take legal actions and report them to the Delaware Department of Labor after witnessing how they were treating me and the situation speaks volumes. Some of them were so deceitful and nasty that they even have threatened me. I would rather see those persons terminated along with the (b) (6), (b) (7) who sexually assaulted me, but it is the holiday season so maybe they can transfer instead.

I am not a liar, and I have all the faith in the world to know that my prayers for resolution and justice will prevail. I am a respected Amazonian, I assist when and where it's called for, I teach people and others teach me. I encourage my peers and my superiors when they begin to doubt the "awesomes" they have yet to act upon. I protect and inform, I'm not a doctor but I've healed people with a zillion hugs, or a handful of encouraging words. This (b) (6), (b) (7) that the staff have foolishly decided to side with offers nothing but ten hours of picking or pushing yellow totes around, while (b) (6), (b) (7) other mission when (b) (6), (b) (7) clocks in is to find someone to sleep with! I cannot even begin to tell you how upsetting and disruptive this has been in my personal life with my (b) (6), (b) (7). We have broken up again and again because every time I see my attacker it sets my mood low and I end up carrying these emotions home with me. (b) (6), (b) (7) becomes the one I've been releasing it on, including my family. My integrity and my image has been attacked with (b) (6), (b) (7) lie. I will not stand for this, I am a (b) (6), (b) (7) of God and I will not have my good name trashed off of someone fearful of losing (b) (6), (b) (7) job. If (b) (6), (b) (7) wanted to keep it (b) (6), (b) (7) should've kept (b) (6), (b) (7) unwanted sexual advances to (b) (6), (b) (7) self.

I have even gotten my church to pray for me. I've never in my life regretted the loyalty I have given to people at work until now. I feel like a complete fool. Your staff is going through great lengths to join together to attack and retaliate against me when all they have to do is apologize, transfer to another building, and promise to actually do the job they were contracted out to do which is to protect my physical, mental, and emotional safety while I'm working; see to it that I am out on the floor busting my ass to the best of my ability, and having fun while I deliver five star service to my coworkers and our customers. Some of our superiors only want to follow Amazon Policies when the finger is pointed at their wrong doing, or when corporate comes to visit. If they lived and breathed it like me they wouldn't sweat so hard when situations call for them to stand by the policies created, they bring our building so much shame and grief. They are Amazon's greatest opportunity for improvement with employee retention. However, pacifying and ignoring it has also become Amazon's greatest liability to (b) (6), (b) (7) brand (b) (6), (b) (7)

(b) (6), (b) (7) I not only have a passion for gaining understanding and knowledge but I too have a desire to have a home of my own that I will be able to allow my ideas in creating small startup businesses out of a tricked-out garage on a 4' x 6' table. I want to travel the world and spend at least one week out of every year volunteering in the U.S. or globally to help those in need. I want to stand for something...something "timeless." I want to build structures, teach, empower, and entertain. I want to go skydiving, base jumping, see a real bullfight in Spain, and fly a plane. I wish to adopt at least two children with special needs. I want to learn Spanish and sign language. (b) (6), (b) (7), I want to live! I can't even think of that now. My mind is totally being bombarded by how I wasted my heart and loyalty on superiors who apparently take a liking to resting on their laurels

and only look out for themselves. If I was in their shoes I bet you all the peace on this earth that I would be stronger than they are. I have to be stronger, smarter, and wittier. I have no choice because when people look at this (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), they see weakness. They see a smart ass, difficult, (b) (6), (b) (7)(C) who they can get over on. I can't just be like such and such. I have to be exceptionally better than such and such, just to get the basic respect such and such gets on a normal day. This is my reality.

I asked in 2014 at the beginning of the year to a random (b) (6), (b) (7) in the Main Office if you would ever visit us. (b) (6), (b) (7) frowned (b) (6), (b) (7) face at me and chuckled and said that you had better things to do other than come by to pay a visit. If it's possible I would like for you to visit the FC, when you're not busy of course.

I am without a doctor to see me. I need paper filled out from a doctor for me to return back to work, but the doctor's I go to told me they cannot fill out these forms due to the fact they are tied into a work related incident. So I need an assign workman's comp doctor as soon as possible. Also I wanted to know whom will be sent to sit down with me to begin mediation, and who will be giving a polygraph of me and my attacker? Please contact me as soon as possible. My funds are low because I was lied to. Upon leaving the building they said I would be paid full wages while I was out and I am short in my check. I have \$80 in my savings account and next payday is coming on November 6 2015, and no one is paying me. Or returning my phone calls. Please help me resolve this.

Your Amazonian,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

## **EXHIBIT E**



**From:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@amazon.com>  
**Sent:** Tuesday, December 01, 2015 4:00 PM  
**To:** (b) (6), (b) (7)(C)  
**Subject:** Re: Leave of Absence - (b) (6), (b) (7)(C)

Thank you!

Sent from my iPhone

On Dec 1, 2015, at 1:41 PM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@amazon.com> wrote:

Ok, I've sent the request to the vendor, I will let you know once I am able to confirm the call was made.

Thank you,

(b) (6), (b) (7)(C)

<image001.png>

**For leave of absence contact:**

<image002.png>

**Phone:** 1-888-892-7180, press option 1

**Fax:** 1-847-554-1812

**Online:** <https://myleave.amazon.com/> (you must be on the Amazon network to access)

**Mail documents to:** P.O. Box 563937, Charlotte, NC 28256-3937

**Escalations:** [quicklink](#) (you must be on the Amazon network to access)

**For accommodations consulting contact:**

<image003.png>

**Email:** [accommodations@amazon.com](mailto:accommodations@amazon.com)

**Escalations:** [quicklink](#) (only accessible from within Amazon's network)

**General Inquiry:** [quicklink](#) (you must be on the Amazon network to access)

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, December 01, 2015 11:27 AM  
**To:** (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@amazon.com>  
**Subject:** Re: Leave of Absence - (b) (6), (b) (7)(C)

Yes please.

Sent from my iPhone

On Dec 1, 2015, at 11:06 AM, (b) (6), (b) (7)(C) <(b) (6), (b) (7)(C)@amazon.com> wrote:

Hi (b) (6), (b) (7)(C)

I wanted to check in on this escalation as the vendor reached back out to me and said a case hasn't been initiated for (b) (6), (b) (7)(C) yet. Would you like me to have the vendor reach out to (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) states (b) (6), (b) (7)(C) was previously unsuccessfully able to call in a leave?

Thank you,

(b) (6), (b) (7)(C)

<image001.png>

## **EXHIBIT F**

Exhibit F record consists of an email, which is included in the email string in Exhibit G.

The Exhibit F email is a duplicate and had been removed.

## **EXHIBIT G**



From: (b) (6), (b) (7)(C)

Sent: Tuesday, December 29, 2015 6:11 PM

To: (b) (6),

Subject: RE: Follow Up

(b) (6), (b) (7)(C) -

As you know, on or about October 10, you left work complaining of chest pains. On or about October 15, you told AmCare you were taking Tramadol and/or Xanax—two medications known to impair cognitive functioning. A few days later, you brought in a note from your doctor confirming you were taking Tramadol. As a result, Amazon suggested you take a medical leave. Thereafter, you applied for leave, but in the two months since you have not provided any documentation to support your need to be out of work. Under most circumstances, failure to provide supporting documentation would result in denial of your leave, and your absences would be deemed unexcused. In your case, however, we have approved your leave while (b) (6), (b) (7)(C) investigation in your complaints was pending. **Your absences since October 10 will be deemed excused/approved.**

You have told us you now feel ready to return to work. Generally, associates returning from a medical leave must provide clearance of their ability to work safely, with or without reasonable accommodation. I understand you told LOAA you cannot provide medical clearance because you cannot afford the co-pay to see your doctor (I understand you are still covered by Amazon's health insurance plan). I have asked LOAA to waive the requirement that you provide medical clearance if you can assure us you are not taking any medications known to impair cognitive functioning. **If you can provide this assurance, you will be permitted to return to work immediately.** If we observe any objective sign of impairment upon your return, you may be asked to undergo a fitness for duty evaluation at Amazon's expense.

Finally, your email below makes several references to mediation. As I noted in my December 24 email—we do not control the EEOC's investigation/mediation process. If you would like to mediate the Charge of Discrimination, we recommend you contact the EEOC. Amazon is willing to participate in a mediation conducted by the EEOC. You are also entitled to hire an attorney. If you do that, please have your attorney contact our outside counsel Pam Richardson at 609.919.6658. And, if you are not represented by counsel, you may contact Ms. Richardson yourself.

Very truly yours,

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)@amazon.com

From: E S [mailto:(b) (6), (b) (7)(C)]

Sent: Sunday, December 27, 2015 10:30 AM

To: (b) (6), (b) (7)(C); (b) (6), (b) (7)(C); (b) (6), (b) (7)(C)

Subject: Follow Up